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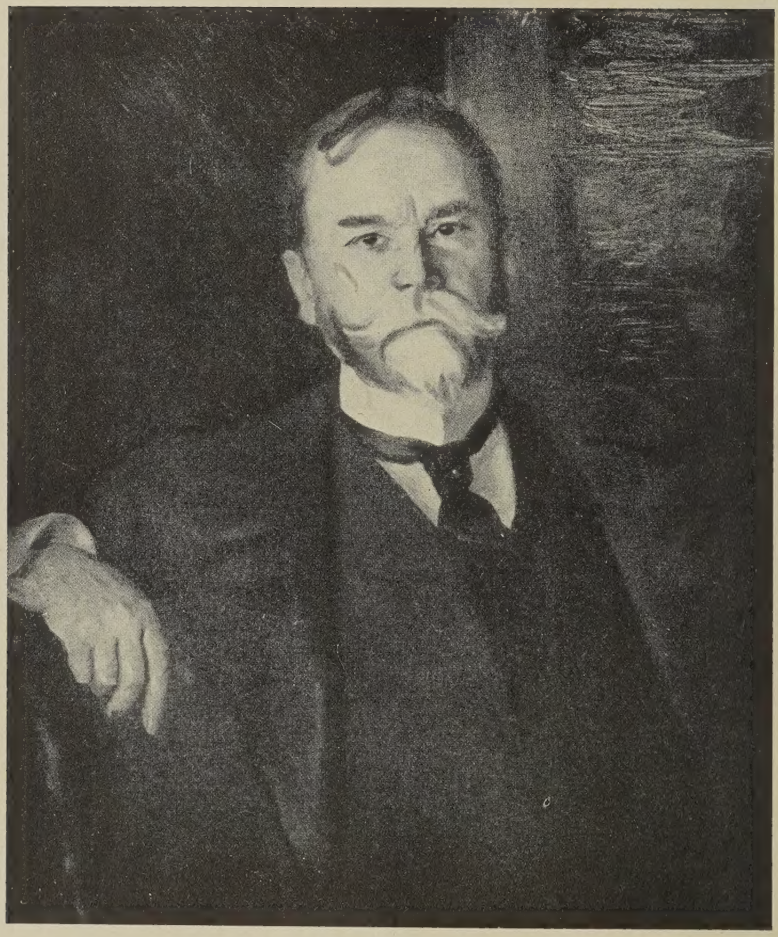
AMERICA'S FOREIGN RELATIONS

VOLUME II.



JOHN HAY

AMERICA'S FOREIGN RELATIONS

BY

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WITH PORTRAITS

IN TWO VOLUMES

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AMERICA'S FOREIGN RELATIONS

VOLUME II.

AMERICA'S FOREIGN RELATIONS

XXI

THE CIVIL WAR—NEUTRALITY

THE United States at the outbreak of its epochal Civil War in 1861 was at peace with all the outside world and was nominally on terms of friendship with all nations. Various circumstances caused that friendship to be, however, somewhat less real than apparent, and there can be little doubt that some powers from the beginning looked upon the conflict among the States with indifference, while some would have been pleased to see the Southern Confederacy successful and the Union therefore dissolved. On the European continent the revolutionary movements of 1848 were still fresh in mind, and there was among the upholders of absolutism strong resentment against the United States for the sympathy which it had manifested toward them and for the asylum which it had given to innumerable political refugees; indeed, for the asylum which it was giving to those who in exile were still plotting or agitating against the régime from which they had fled. This feeling was strong in Austria because of the attitude of the United States toward Kossuth and the Hungarian rebellion, and also because of the sympathy which had been manifested here with Garibaldi and the Italian revolt against Austrian domination. It was perceptible in many other parts of the Continent, and was coupled with a willingness if not a desire to see republicanism fail in America in order that it might be discouraged and averted in Europe. In France the usurping emperor and his court were at heart hostile to the United States for many reasons—because of the Hawaiian episode, because of French designs upon Mexico which could hope to succeed only through the fall of the United States, and because

of the natural hatred which the treacherous assassin of one republic feels for another republic. Among Frenchmen, however, the United States had many warm friends; especially among the opponents of the emperor. In Russia there was little friendship for us, save for the sake of differing from the powers which had lately beaten her in the Crimean War and of furthering a desperate design of wreaking revenge upon at least one of them. In Great Britain there was a marked division of sentiment. The friction over Hawaii and over Central American affairs had undoubtedly caused some animosity toward us, and the spirit of commercial rivalry exerted an influence in the same direction. A large proportion of the people, however, moving even then toward that practical democracy which now dominates the kingdom, were cordial and sympathetic, and in their desire to see it make republicanism successful they hoped for the maintenance of the Federal Union.

In the latter part of 1860 and the beginning of 1861, when secession was merely threatened and voted, but was not yet supported by any overt acts, the tone of Europe was largely unfavorable to it and friendly to the Federal Government. That was chiefly because of hatred of revolutions and an unwillingness to encourage the spirit of insurrection against an established government in any country. It was not that they disliked America less but that they disliked revolutions more. The motive was similar to that which had a dozen years before prompted Russia to send an army to the assistance of Austria against the Hungarians. In November, 1860, the British foreign secretary, Lord John Russell (afterward Earl Russell), communicated to Lord Lyons, the British minister at Washington, the "concern" with which the queen regarded the "danger of secession"; and in March following he expressed himself much more forcibly and elaborately to the same effect. The latter utterance was in reply to a circular letter which the secretary of state at the end of Buchanan's administration, Jeremiah Black, had sent to American ministers in Europe, directing them to "ask of all foreign powers that they should take no steps which may tend to encourage the revolutionary movements of the seceding States." The British foreign secretary replied that, "even if the Government of the United States had been willing to acknowledge the sepa-

ration of the seceding States as founded in right, her Majesty's government would have seen with great concern the dissolution of the Union which bound together the members of the American republic; that the opposition of the Government of the United States to any such separation and the denial by them of its legality would make her Majesty's government very reluctant to take any step which might encourage or sanction the separation; that, however, it was impossible to state in what shape the question might present itself, nor was it in his power to bind the British government to any particular course of conduct in cases of which the circumstances and the significance were at present unknown."

There is no doubt that a most unfortunate impression was created in England, and probably elsewhere in Europe, by the halting and pusillanimous course of the Buchanan government between the time of the election of Lincoln in November, 1860, and his inauguration in March, 1861. In his last annual message to Congress in December, Buchanan denied, it is true, the right of States to secede from the Union. But in the same document he proceeded at still greater length to argue that the Federal Government had no right to coerce a State—that is, to prevent it from seceding. Later, when an armed conflict between the South Carolina troops and the Federal forces at Charleston seemed imminent, Buchanan in his orders to commanders was far more intent on having them avoid a clash than on their protecting the Federal forts and other property and defending the honor of the flag. This led even the friends of America abroad to wonder whether the Federal Government had the spirit and purpose to maintain the Union.

Lincoln succeeded Buchanan as President, and William H. Seward succeeded Black as secretary of state, on March 4, and one of the first acts thereafter of the latter was to send a circular letter to American ministers in Europe repeating with added emphasis the sentiments and directions of his predecessor. He especially and most shrewdly suggested that the success of the Southern revolt "might tend by its influence to disturb and unsettle the existing system of government in other parts of the world," and he expressed the confident hope that this consideration, among others, "would prevent foreign governments from yielding to solicitations to intervene in any unfriendly way in

the domestic concerns of the country." To this Lord Russell replied that the British government regretted the secession and was "in no hurry to recognize the separation as complete and final"; but it was impossible to tell what its future course might have to be. A similar response was made by the French foreign minister, who said that no application for recognition had yet been received from the Confederate States, and that the French government was not inclined to act hastily in such matters; he believed that the maintenance of the Federal Union was desirable for the benefit of France as well as of all parts of America, and he could give assurances that no precipitate action would be taken. Yet he was bound to say that practice and usage had established the right of *de facto* governments to recognition when a proper case in their favor was made out.

Similar sentiments were reported from other courts by the American ministers. Spain "would have nothing to do with the rebel party in the United States." Austria was "not inclined to recognize *de facto* governments anywhere." Russia, "from the principle of unrelenting opposition to all revolutionary movements, would be the last to recognize any *de facto* government of the disaffected States of the American Union." All this was satisfactory enough. But it was all before the war actually began. As soon as Fort Sumter was fired upon, Seward wrote again to the ministers, conveying the news and expressing the desire, indeed the demand, of the United States that all foreign powers should maintain an attitude of strict neutrality. "The President neither expects nor desires any intervention," he wrote, "or even any favor, in this emergency. He will never invoke, nor even admit, foreign interference or influence in this or any other controversy in which the Government of the United States may be engaged with any portion of the American people. It has been his aim to show that the present controversy furnishes no ground on which a great and friendly power can justly lend aid or sympathy to the party engaged in insurrection; and therefore he instructs you to insist on the practice of neutrality, . . . as all our representatives are instructed to insist on the neutrality of the several powers to which they are accredited."

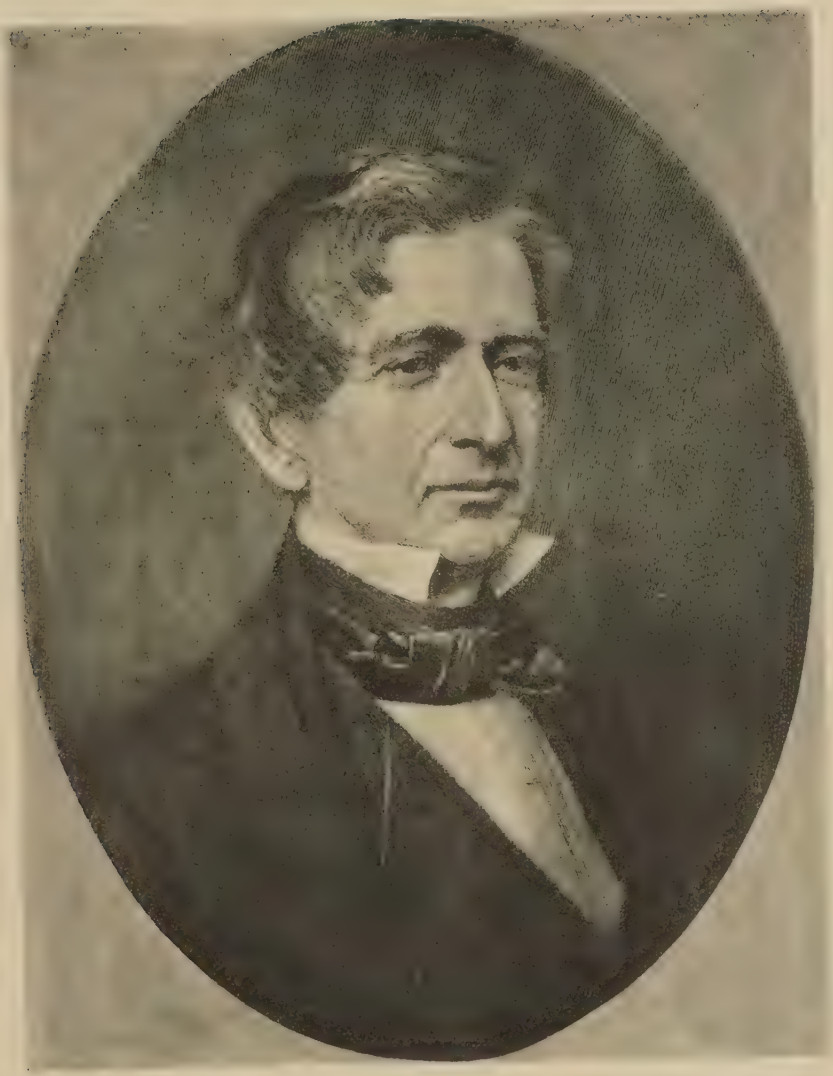
The erratic genius of Seward, however, at this time narrowly

escaped plunging the United States into irremediable disaster. He appears to have had toward the President a decidedly patronizing if not contemptuous feeling, arising from his own far greater experience in public life, and to have been impatient of the careful deliberation with which Lincoln was making his way amid almost unparalleled embarrassments and dangers. On April 1, 1861, less than a month after the beginning of the administration, he wrote to Lincoln "Some Thoughts for the President's Consideration," in which he inferentially chided his chief for being "without a policy, either domestic or foreign." Then he proceeded to prescribe a policy, both domestic and foreign, of the most amazing kind, the gist of which was that we should provoke a gigantic foreign war and thus heal domestic dissension and reunite the country for the common defense. At that time the Spanish flag had been temporarily reëstablished over Santo Domingo, France was plotting for the reconquest of Mexico, and Great Britain and Russia if not privy to the latter scheme had at least been sounded upon it. "I would," wrote Seward, "demand explanations from Spain and France categorically, at once. I would seek explanations from Great Britain and Russia. If satisfactory explanations are not received from Spain and France, I would convene Congress and declare war against them." For the energetic prosecution of such a policy, it would be necessary for somebody to act the part, practically, of a dictator, and he bluntly intimated that if Lincoln did not care to undertake that, all he had to do was to stand aside and let his secretary of state assume the responsibility! Happily, Lincoln was gifted with a triumphant sense of humor, and he disposed of this amazing document so effectively that it never saw public light until many years after both he and Seward had died.

Fort Sumter was fired upon on April 12, and the war was begun. On April 17, Jefferson Davis, as President of the Confederacy, issued a proclamation inviting all who wished to engage in privateering against the commerce of the United States to apply to him for letters of marque. Two days later Lincoln responded with a proclamation condemning such privateers as pirates, and a few days later our Government undertook to get European nations to take the same view of them. It will be recalled that the United States had refused to join in the Declara-

tion of Paris, because it was unwilling to forego the right of privateering unless the European powers would in return make all private property at sea exempt from seizure, except as contraband. Now, however, on April 24, 1861, Seward sent a circular letter to the American ministers to the various powers which had subscribed to that declaration, instructing them to negotiate for the belated accession of the United States thereto. This reversal of policy was obviously inspired by the knowledge that in the then existing circumstances it would be to the great advantage of the United States to have foreign nations refuse recognition to Confederate privateers. The British and French governments were at first inclined to accept this proposal, and indeed treaties to that end were actually being prepared, when a sudden and fatal interruption of the proceedings occurred.

This was caused by the recognition of the Confederate States as belligerents. The news of the firing upon Fort Sumter reached the British government on April 30. The next day the British foreign secretary gave George M. Dallas, the retiring American minister, to understand that no action looking toward recognition of Confederate belligerency would be taken until the latter's successor, Charles Francis Adams, had arrived and had had an opportunity to present his case. On Saturday, three days later, however, Lord John Russell had an interview with the commissioners whom the Confederate States had sent thither, with the result that without waiting for Adams, on the following Monday, May 6, he officially announced in Parliament that the British government had decided to recognize the Confederate States as belligerents. Of this repudiation of the promise to await Adams's coming, and of the repeated promises to take no hasty action, no explanation was given, nor did it seem to be susceptible of any that would be creditable to the British government. Seward was astounded, and expressed his surprise and even his resentment at such action, and endeavored to have it reconsidered, but in vain. Nor were such feelings confined to Americans. John Bright, the incomparable tribune of the English people, afterward declared that this recognition of the Confederacy had been accomplished "with unfriendly haste." It may be added that recognition by Great Britain was promptly



WILLIAM HENRY SEWARD

followed by similar action on the part of other powers: By France on June 10; Spain, on June 17; Holland a little later in the same month; and Brazil, on August 1.

This recognition of the Confederacy ended the negotiations for American accession to the Declaration of Paris. For the British government presently added to the draft of the proposed treaty a stipulation that it should be prospective and not retroactive, and it declared that for itself it "did not intend to undertake any engagements which should have any bearing, direct or indirect, on the internal difficulties prevailing in the United States." This, which was also proposed by France, was held to mean that the United States government was no longer sovereign over the Southern States, and of course was quite unacceptable, and Adams declined to sign the draft containing it. On their part the British and French governments felt, properly enough, that they were in honor bound to make that stipulation after their recognition of the Confederacy. To do otherwise would be to repudiate that recognition. Less creditable was the conduct of those powers some weeks later, when through the agency of the British consul at Charleston, South Carolina, who went to Richmond, the Confederate capital, for the purpose, they undertook to negotiate with the Confederate government its acceptance of the Declaration of Paris with the exception of the provision against privateering, for which a new paragraph, specifically recognizing and authorizing privateering, was substituted. This garbled declaration was, of course, promptly accepted by the Confederate government. The United States government vigorously protested against the conduct of such negotiations by a British official who was still nominally accredited to this country, and canceled his exequatur. The British government sent a warship and took him home, but never expressed either regret or apology for the incident, which was certainly not only illogical and inconsistent with its professions, but was a grave violation of neutrality.

Reference has been made to the Confederate commissioners who visited Great Britain at the beginning of May, 1861. When Russell, as already related, assured Dallas that official action would await the arrival of Adams, he added that he intended to receive the Confederate commissioners, though unofficially.

Dallas reported this to Seward, who became passionately indignant, and penned a despatch which had it been sent would almost certainly have broken off diplomatic relations with Great Britain, and possibly would have led to war. In harsh terms it threatened Great Britain with war if she dared to recognize the Confederacy, and directed Adams to suspend relations with that Government if even an unofficial reception was accorded to the Confederate commissioners. This was an echo of his proposals in his "Thoughts for the President's Consideration," which indicated that he still aimed at a foreign war as a means of reëstablishing domestic unity. Fortunately it passed through Lincoln's hands before it was transmitted, and that prudent and sagacious statesman promptly eliminated the mischievous expressions, and transformed it into a temperate but none the less efficient note of instructions for the guidance of the American minister.

The formal proclamation of British neutrality between the Federal and Confederate governments was issued on May 13, and was modeled closely after that which had been issued two years before in the case of the war of France and Sardinia against Austria. It recognized the fact that war had begun between the United States and "certain States styling themselves the Confederate States of America," and commanded all British subjects to observe the provisions of the British Foreign Enlistment Act and other laws applicable to the situation. At the news of this there was a general outburst of mingled grief and indignation throughout the Northern United States, as though the British government had become hostile to this country. For this there was little or no foundation in fact or reason. If the recognition of the Confederates as belligerents had been made with "unfriendly haste," the two fundamental circumstances of the situation were undisputable. One was that a state of war between two organized governments actually existed; that it was, according to the proclamations of both governments, likely to be in part maritime; and that therefore the commercial interests of Great Britain would be directly affected by it. The other was that the United States government itself, through its secretary of state, had declared to the world that it desired other nations to observe strict neutrality, precisely the neutrality that was pro-

vided for in this British proclamation. These facts were soon recognized by Americans in a sober afterthought. Adams reported to Seward that he was assured on every hand that sympathy with the Federal Government was universal, and that the British desired only to be perfectly neutral, giving no aid or comfort to the Confederates. "I believe," he added, "that this sentiment is now growing to be universal. It inspires her Majesty's ministers and is not without effect on the opposition. Neither party would be so bold as to declare its sympathy with a cause based on the extension of slavery, for that would at once draw upon itself the indignation of the great body of the people." He added significantly, however, that the growth of active sympathy with the United States would depend largely upon the success of the Federal arms. President Lincoln himself declared that the Government had no reason to complain of any European power; and in a Fourth of July message he added that a general sympathy with this country was manifested throughout the world.

The next step of the British government was even more marked in its friendliness to the United States. This was, on June 1, an order forbidding the naval vessels or privateers of either belligerent to carry prizes into any British ports or territorial waters. This extraordinary prohibition was intended to discourage privateering and indeed all attacks upon commerce; since if captured vessels could not be taken into ports and sold as prizes, much of the incitement to naval attacks upon commerce, and all the incitement to privateering, would be lost. Moreover, whether so meant or not, it was obvious that the order would operate to the disadvantage of the Confederates far more than to that of the Federal Government. For the latter would at least have its own ports open for the reception of prizes, while the former would have to endure the perils of blockade running to get into any ports of their own. This was clearly recognized at the time, so that the Confederate commissioners in London earnestly protested against the order, but in vain, while Seward remarked that it would probably prove a death-blow to Southern privateering This anticipation was not fulfilled. But at least the benefits of privateering to those engaged in it were enormously diminished. The *Alabama*, *Shenandoah* and other cruis-

ers might seize American vessels, but they could not take them into British ports for sale, and thus were generally compelled to destroy them on the high seas. The loss to the United States was great, but the profit to the Confederacy was little. It may be added that during the next few weeks similar orders were issued by France, Spain, Prussia, Belgium, Holland, Hamburg, Bremen, Portugal, and the Hawaiian Islands.

Shortly after the firing upon Fort Sumter, the writ of *habeas corpus* was suspended in the United States. This was done by the President on his sole authority and without congressional sanction, as a war measure. The attorney general of the United States was of opinion that such an act was within the President's power. The chief justice of the Supreme Court—Taney, a Confederate sympathizer—held otherwise and declared it to be illegal. Whenever British subjects were arrested and held without the privilege of *habeas corpus* proceedings, therefore, they made appeal to the British government, which sought to discuss diplomatically the question of the constitutionality of the President's action. Seward, however, declined to enter into any such discussion, holding that the question involved was purely domestic and did not concern any foreign country. Appeals continued whenever foreigners were arrested, and the matter was a cause of much friction and controversy, but our Government resolutely maintained the ground which Seward had taken.

Another highly important principle was established by Seward at an early date. He received intimations from Russia that efforts were being made to form an extensive combination of European powers, for concerted action toward America. The French emperor was the author of the scheme, and he proposed it to Great Britain and Russia. The former assented to it, but the latter declined. Whether the declination was prompted by friendship for the United States or by animosity against the two powers which had recently defeated Russia in the Crimea, is an open question. Seward accepted the former theory, though he was compelled to cancel the exequatur of a Russian consul who was the first foreign official to enlist in the Confederate military service. On receiving this information, however, he quickly resolved to meet any such combination by refusing to recognize it or to treat with it in any way. Writing to Adams on May

21, he said, "You will take no notice of that or any other alliance." A few days later he wrote to Dayton, our minister at Paris, that no concert of action among foreign States, in recognizing the Confederacy, could reconcile the United States to such a proceeding, no matter what might be the consequences of our resistance. On June 3 he wrote again to Adams, stating that he was aware of "the contracting of an engagement by the Government of Great Britain with that of France, without consulting us, to the effect that both Governments should adopt one and the same course of procedure in regard to the insurrection," and that "the two Governments were preparing, and would, without delay, address communications to this Government concerning the attitude to be assumed by them." Five days later he informed Adams of his resolution "to hold intercourse only with each of those States severally, giving one notice to both that the circumstance of a concert between the two powers in any proposition each might offer to us would not modify in the least degree the action of the United States upon it." Accordingly, on June 15, when the British and French ministers at Washington called upon him together and sought to communicate their identical despatches to him in a joint interview, Seward declined thus to receive them. He insisted that they should call upon him separately, at different times, and that the communication imparted by each should be considered and treated without the slightest reference or relation to the other. "Each of them," in Seward's own words, "announced that he was charged by his government to read a despatch to me and to give me a copy if I should desire it. I answered that, owing to the peculiar circumstances of the times, I could not consent to an official reading or delivery of these papers without first knowing their characters and objects. They confidentially and with entire frankness put the despatches into my hands for an informal preliminary examination. Having thus become possessed of their characters, I replied that I could not allow them to be officially communicated to this Government."

The ground for this refusal was dual. The first part was the unwillingness of Seward to deal with a combination of European powers, as already stated. The second was, that the despatches practically regarded the Confederacy as an independent and

sovereign power. "That paper," said Seward, "does not expressly deny the sovereignty of the United States of America, but it does assume, inconsistently with that sovereignty, that the United States are not altogether and for all purposes one sovereign power, but that this nation consists of two parties, of which this Government is one. France purposes to take cognizance of both parties as belligerents, and for some purposes to hold communication with each. The instruction would advise us indeed that we must not be surprised if France shall address herself to a Government which she says is to be installed at Montgomery, for certain explanations. This intimation is conclusive in determining this Government not to allow the instruction to be read to it."

Meantime two circumstances were materially affecting the popular and official attitude of Europe, and particularly of Great Britain, toward this country. One was the Morrill tariff, so called after the distinguished New England statesman who chiefly framed the act. This was intended to provide by a tax on imports the increased revenue needed by the Government for the expenses of the war, but it was so devised as to fall most heavily upon goods which competed with home products, and thus to afford protection to American industries. Both for revenue and for protection it was highly successful, and may be esteemed as probably the best-devised measure of the kind ever adopted in such circumstances by any country. But it not unnaturally gave great displeasure to England. It greatly lessened the profits of the American markets to English manufacturers and merchants, to a degree which caused serious mercantile distress in that country. Moreover, the British nation was then in the first flush of enthusiasm over free trade, and, under the lead of extremists like Cobden and Gladstone, was inclined to regard a protective tariff as essentially and intrinsically immoral, scarcely less so than larceny or murder. Indeed, the tariff was seriously regarded as comparable in offensiveness with slavery itself, and Englishmen were inclined to condemn the North for the one as much as the South for the other. "We do not like slavery," said Palmerston to Adams, "but we want cotton, and we dislike very much your Morrill tariff."

The other circumstance in question was suggested by the men-

tion of cotton in this same remark of Palmerston's. The vast cotton manufacturing industries of Lancashire were dependent upon the Southern States for their supplies of raw material. The Federal blockade of the southern coast almost entirely cut off these supplies, save as they could be precariously maintained by blockade runners. The result was the wholesale closing of cotton mills, and the throwing out of work of hundreds of thousands of employees. There came upon England a season of the greatest industrial distress the land had ever known, for which both the mill owners and merchants and the masses of the people at first, with fierce resentment, held the United States responsible. Against this judgment, happily, several influences were in time triumphant. The mordent satires of London "Punch" revealed as with acid etching the true situation. In its "National Hymn of the Confederate States" occurred the telling lines,

> And trade, that knows no god but gold,
> Shall to thy pirate ports repair;
> Blest land, where flesh—where human flesh—is sold.

And in another bitterly ironic screed,

> Though with the North we sympathize, it must not be forgotten
> That with the South we've stronger ties which are composed of cotton
> Whereof our imports mount into a sum of many figures;
> And where would be our calico without the toil of Niggers?
> The South enslaves these fellow men whom we all love so dearly;
> The North keeps Commerce bound again, which touches us more nearly.
> Thus a divided duty we perceive in this hard matter;
> Free Trade, or sable brothers free? Oh, won't we choose the latter?

Such commanding voices as those of Bright, and Forster, the Duke of Argyll, and "Tom" Hughes, were also freely and efficiently raised, to convince the people of England that in maintaining a conflict which would result in nothing less than the extinction of human slavery, the United States was fighting the great battle of humanity the world over, and that in its success the workingmen of England were more interested than in any temporary question of employment or wages. Better suffer privations and poverty for a season, they argued, than have the hope of humanity destroyed and human slavery forever fastened upon the world. Finally, eloquent voices and persuasive agen-

cies from the United States were also active and effective. August Belmont, the banker; Thurlow Weed, editor and politician; Bishop McIlvaine, of the Protestant Episcopal Church; Hughes, the great Roman Catholic prelate; and Beecher, the greatest American pulpit orator, were unofficially commissioned to visit various European countries and to exert their influence for the enlightenment of governments and people as to the real issues of the war. Perhaps most notable of all was the work of Beecher in England. In London, Liverpool, Manchester, and elsewhere, he essayed to address great audiences of working people who were out of employment because of the cotton blockade, and in many cases, with their families, were suffering the pangs of actual famine. At first they were almost savagely hostile, and howled the speaker down. But with almost infinite patience and tact, and with the inspiring personality of a great man, he stood his ground and compelled them to listen to him; and to listen to him was to be convinced. In the end those suffering multitudes became the staunchest friends of the American cause.

But now came what narrowly escaped being an irremediable catastrophe. Adams had written that much depended upon the success of the Federal arms, and at the end of July Belmont wrote to Seward that for the United States to win one or two battles would be of inestimable advantage to the American cause in England. This was realized in this country, and the army was stirred to feverish activity with less discretion than zeal. A few minor victories in West Virginia were not sufficient. There rose a demand for a big battle in the East which should crush at a blow the rising power of the Confederates. On June 26 some editorial writer in "The New York Tribune"—not Greeley—printed in big type what he called the "Nation's War Cry," to this purpose: "Forward to Richmond! Forward to Richmond! The Rebel Congress must not be allowed to meet there on the 20th of July! By that date the place must be held by the National army!" This utterance was repeated, and had its effect. The army was pushed forward, and on July 21 it clashed with the Confederates at Manassas, or Bull Run. The ensuing conflict, the first considerable engagement of the war, was one of the best planned and worst fought of all battles on this continent. At its end the Federals, in utterly uncalled-for

and senseless panic, were in disgraceful rout and flight, while the Confederates themselves were too fearful and frightened to pursue them. It was a tragedy of errors. But it was accounted an overwhelming defeat for the Federal army, and a great victory for the Confederates, and as such it impressed England and all Europe. In this country it served merely to arouse the North to more resolute if more discreet endeavors. But abroad it was generally interpreted as indicating the decided superiority of the Southern armies and as presaging the certain triumph of the Confederate cause. "The news has had the effect," wrote Adams to Seward, "of bringing to light the prevailing feeling in Great Britain. The division of the Union is now regarded as a *fait accompli.*"

There then occurred in England what John Stuart Mill described as "the rush of nearly the whole upper and middle classes, even those who passed for Liberals, into a furious pro-Southern partizanship; the working classes and some of the scientific and literary men being almost the sole exceptions to the general frenzy." Nor were the working people as generally exceptions as Mill suggested. What Goldwin Smith, staunch friend of America, described as "the awful peril, not only commercial but social, with which the cotton famine threatened us, and the thrill of alarm and horror which upon the dawning of that peril ran through the whole land," involved the working people too, to a large extent. Palmerston and Russell for the government, "The London Times" and "The Saturday Review" for the press, were outspoken on the side of Southern independence. They declared that slavery had little to do with the contest. It was a fight between empire and independence. The Confederates were in precisely the position that the Thirteen Colonies had been in at the Revolution, and the North was playing the part of George III and Lord North; and the result was sure to be the same as in 1783. In view of this prospect, it was asked, why should England be compelled to suffer a cotton famine and little less than industrial ruin, in order that the inevitable might be for a short time postponed?

Just at this critical juncture in our foreign affairs, a militant incident came perilously near to plunging us into war on another issue, in which we would have been indefensibly in the

wrong. The Confederate government sent as commissioners to Europe James M. Mason and John Slidell, who had formerly been conspicuous in the diplomatic service of the nation and were regarded with especial antipathy by the Federal Government and by the whole North for their adherence to the Confederacy. They ran the blockade from Charleston and sailed with a numerous staff on the British mail steamer *Trent,* from Havana, Cuba. The next day out, November 8, the ship was stopped by the United States man-of-war *San Jacinto,* under the command of Captain Charles Wilkes, the distinguished Antarctic explorer. Two shots were fired, to compel the *Trent* to lay to. The *Trent* was then visited and searched, and Wilkes, who regarded Mason and Slidell practically as contraband of war, on that ground held the *Trent* to be liable to seizure and confiscation. Out of regard for the other passengers and the mails, however, he released the vessel and let her proceed, but took Mason and Slidell as prisoners and carried them to Boston, where they were placed in Fort Warren. The news of this exploit electrified the United States with wild and unreasoning enthusiasm, partly because of spite against Great Britain and an exultation in paying her back in her own coin for her searches and impressments in former years, which were still keenly remembered, but chiefly because after Jefferson Davis himself there were no men in all the Confederacy who were so hated or whose capture and punishment were so desired, as Mason and Slidell. In Great Britain, on the other hand, the incident was regarded at first with incredulity, and then with resentment and with a resolution to exact reparation for what was held to be a grievous wrong.

The governments of France, Austria, Prussia, and Russia promptly made their opinion and feelings known. They, of course, condemned the seizure of the Confederate envoys as a violation of international law, and expressed grave solicitude lest the act should prove indicative of a purpose on the part of the United States to disregard neutral rights in a manner which would cause serious international complications.

Gideon Welles, the secretary of the navy, publicly commended Wilkes for his act, the House of Representatives adopted commendatory resolutions, and many eminent men joined in doing

him honor. It is said that all the members of the cabinet shared Welles's views, except the postmaster-general, Blair; but for this there is no positive authority. No other put himself on record, and even the usually impulsive and aggressive Seward was silent and noncommittal, evidently appreciating the seriousness of the situation. Lincoln, too, was silent, but gave indications that he doubted the legality of Wilkes's act, and feared that the United States would be embarrassed to know what to do with the captured envoys. Blair in the cabinet and Charles Sumner in the Senate were outspoken at once for the immediate surrender of the captives and for disavowal of Wilkes's unauthorized act, which had in fact been performed on his sole authority and initiative. This advice did not at once prevail, which was perhaps fortunate, seeing that overwrought public passion might have led to some wild and desperate deeds. On November 30 Seward wrote to Adams that the release of the captives would probably be the solution of the difficulty. Before that, though of course unknown to Seward, on November 27, the British cabinet met to discuss the matter. It was agreed that the seizure was illegal and that reparation must be made, but the tone of the ministers was moderate, Bright and others having urged that they should ask nothing that the United States government could not grant without humiliation. The despatch which Russell drafted for transmission to Lyons at Washington was indeed somewhat harsh and peremptory, but happily it had to pass through the hands of the queen, and she, with the advice of her dying husband, materially modified its expressions. As finally transmitted it called for the liberation of Mason and Slidell and their secretaries, with a suitable apology. If Seward did not make a satisfactory reply within seven days, Lyons was to quit Washington and to return forthwith to London—presumably as preliminary to a declaration of war. The British navy was mobilized, and an army was prepared for immediate transportation to Canada, and a part of it was actually sent. A curious episode of the despatch of the troops to Canada, potentially to fight against the United States, was that at that season the St. Lawrence was closed with ice; and one of the troopships had to put into the harbor of Portland, Maine. The British minister then asked Seward for permission to land the troops and to

convey them to Canada across United States territory; which permission was unhesitatingly granted.

The ultimatum was not, however, at once presented to Seward. A supplementary and private note to Lyons authorized him to withhold it at his discretion, and meanwhile to discuss the matter with Seward and to endeavor to prepare the way for it, so that when finally it was presented the American secretary of state would be ready to give a satisfactory answer. This judicious course was abundantly vindicated by the event. Seward responded cordially to Lyons's overtures for a careful consideration of the case, and undertook a most painstaking study of the subject in all its historical and legal bearings. It was patent that the act of Wilkes had been a flagrant reversal of the very principles and practices for which the United States had formerly contended, even at the cost of a war with Great Britain. It was equally obvious that Great Britain had now reversed her former policy and was contending for the very things which fifty years before she had arrogantly denied. The fact was that the United States, or its overzealous Captain Wilkes, was trying in this case, as in the attempt to gain belated adherence to the Declaration of Paris, to shape its course not according to fixed principles but according to the exigencies of the time. That was not unnatural. Most nations have done the same. But it was not possible logically to defend such a course. Seward realized that fact, and in a manner at once broad-minded and consummately adroit devised a way of extricating the country from its awkward predicament without humiliation and without imperiling its peaceful relations with Great Britain; happily, because of the time which had now elapsed and which had caused a considerable cooling of American passions, without arousing dissatisfaction at home.

It was on December 1 that a queen's messenger left England for Washington with the ultimatum. It was not until December 19 that Lyons called upon Seward, whom he had not once met in all that interval, and acquainted him with its purport. Seward invited him to deliver it to him formally on the following Monday, December 23. During those four days the secretary practically made himself a prisoner in his study, denying himself to all visitors, while he prepared a reply. The reply was

really ready when the despatch was presented by Lyons on December 23, but Seward did not lay it before the cabinet until Christmas day, two days later, and it was discussed by the cabinet on that and the following days. The substance of it was that Wilkes, who was acting quite without instructions, was justifiable in stopping the *Trent* under suspicion of carrying contraband, and that he might properly have brought her into a United States port, to have her status adjudged by a prize court, but that he had no right to stop her, to take passengers from her as prisoners, and then to let her proceed. If she was carrying contraband, she should have been held and condemned. If she was worthy to be released, she was entitled to carry with her all her passengers. This argument was convincing, and Seward's reply to the British ultimatum was unanimously approved by the President and cabinet. Lyons was accordingly notified that the captives, who had meanwhile been treated with all consideration and not as common prisoners, would be returned to British custody. They were taken from Fort Warren on a United States ship, and transferred to a British vessel off Provincetown. While it was, as Chase, the secretary of the treasury, expressed it, "gall and wormwood" to release men whom the Government so desired to hold, yet the American people cordially acquiesced in this settlement of the case, on the ground of justice and consistency. There was some satisfaction in the consideration that Great Britain had been compelled to adopt the American principle which she had formerly denied and defied, and there was a pardonable pride in the circumstance that, even amid the dreadful exigencies of a war for life, and in the face of almost unparalleled provocation and temptation to do otherwise, the nation had subordinated passion and temporary gratification to the maintenance of principle. The credit for this settlement is doubtless to be given chiefly to Seward. For the story that it was dictated to him against his will by Lincoln, there is no adequate foundation. There is indeed proof that Lincoln at least for a time considered an entirely different method of settlement, namely, by submitting the case to arbitration. This method was also considered in England, though there is no reason to suppose that there was any relation between its suggestion there and Lincoln's meditation upon it. In the Con-

federacy the amicable disposition of the case was regarded with disappointment, since it deferred if it did not destroy that hope of a war between the United States and England which alone could assure Confederate success.

A few weeks later a marked change in British sentiment was caused by the success of the Federal arms. The capture of Fort Henry and the tremendous victory at Fort Donelson, in February, 1862, undid, at least for the time, the impression which had been created by Bull Run and which had prevailed ever since that time; and the British and indeed all Europeans began to realize the strength of the Federal armies and the promise of the leaders whom they were developing. Controversy between the two continents thereafter turned for a time to other matters, particularly to the blockade, and to the treatment of Confederate ships in neutral waters. It was obvious that at the beginning of the war the United States had not a sufficient naval force to make entirely effective the blockade which it had proclaimed of the entire Confederate coast, from the Chesapeake to the Rio Grande. As under international law a blockade to be lawful must be physically effective, the question was repeatedly raised whether European nations were required to respect the proclamation. But as the naval force of the United States steadily increased and with it, of course, the efficiency of the blockade, these questions were in time answered by the logic of events, and no grave complications arose over them.

As early as April, 1861, the question of the reception of Confederate vessels in European ports was raised at St. Petersburg, the American minister inquiring of the Russian government if it purposed to recognize such ships. Prince Gortschakoff replied that it did, and that commerce between the Southern States and Russia would proceed without interruption, regardless of the flag which the vessels might fly. It was quite logical for Russia thus to receive commerce from a country whose independence she had not recognized, since in fact she had never formally recognized the independence of the United States itself. A decree to that effect was issued by the Russian government, ordering that vessels from Confederate ports should be treated the same as United States vessels. Toward the end of June,

1861, the first Confederate merchant vessel appeared in British waters, at the port of London, and Adams at once asked the British government how it intended to treat it. The answer was similar to that which had been given at St. Petersburg, and the ship was accordingly received and permitted to enjoy the hospitality of the port, while flying the Confederate flag, just as though it had been a United States vessel. In this, it was observed, there was no recognition of Confederate sovereignty. When, however, the Spanish government in Cuba began to pursue the same course, Seward protested. Since the vessels came from United States ports, he insisted that they should be regarded as under the consular authority and laws of this country. The Spanish government persisted in its course, however, and the United States's protest was ineffective.

The most serious international question of the war was acutely raised in 1862 over the fitting out of Confederate vessels in British shipyards. The British government had ordered its ports closed against privateers of both sides. But it made no effectual effort to prevent Confederate cruisers from being built and fitted out in British shipyards, and being publicly despatched thence to prey upon American commerce. Adams was vigilant in detecting these gross violations of neutrality, and resolute in calling official attention to them and in protesting against them; but in vain. Early in 1862 he complained that a vessel was being built for the Confederates, but the British affected to believe that it was a British ship bound for the Mediterranean trade. It sailed from a British port in March, 1862, and raised the Confederate flag. For more than two years, as the *Florida*, it was a scourge of American commerce. During its career it put into Brest and, despite the protests of American officials, was there permitted by the French to ship a new crew and to proceed on its course. In October, 1864, it was found in port at Bahia, Brazil, by the American ship *Wachusett*, and the captain of the latter, ignoring the neutrality of Brazilian waters, attacked and captured it under the guns of a Brazilian fort, and took it home to Hampton Roads. For this gross breach of law the United States apologized to Brazil, recalled the consul at Bahia who had suggested the act, and sent the captain of the *Wachusett* be-

fore a court martial, which reprimanded him. The *Florida* would perhaps have been released to Brazil, but it conveniently sprang a-leak and sank.

In June, 1862, Adams called the attention of the British government to the fitting out of another and more formidable cruiser, at Liverpool, known as No. 290. The matter was discussed in Parliament, and it was publicly notorious that the vessel was being prepared for the Confederate government. The Liverpool authorities, however, pretended that there was no proof of that fact, and the Government took no action. The American consul at Liverpool did secure conclusive proof of the character and purpose of the vessel. Sir Robert Collier, an eminent British lawyer, to whom Adams submitted it, declared this proof to be sufficient to require the detention of the ship by the British authorities. Adams laid the proof and this opinion before Russell, on July 22. The latter referred the case to the law officers of the crown. These gentlemen took their time, and on July 29 reported that the ship ought to be seized and held. But on that very morning the ship had already been permitted to sail. That was the *Alabama,* the most destructive of all the Confederate cruisers, which kept the seas for twenty-two months, during which time it was cordially welcomed and entertained in every British port it entered. In that time it captured and destroyed some sixty American merchant vessels. Russell afterward admitted that he ought to have detained the ship, without waiting for the opinion of the law officers, and Goldwin Smith truly said, in a public address in England, that no nation ever inflicted upon another a more flagrant or more maddening wrong than England had upon America in letting that destroyer loose. "No nation with English blood in its veins had ever borne such a wrong without resentment." Indeed, resentment arose in America, more than over anything else in our foreign relations in all the war. The result of the depredations of these and other cruisers was that American commerce on the high seas was practically annihilated. Before the war it had been second to only that of Great Britain. At its close it was nonexistent. Nor is it difficult to escape the thought that this was the intention of at least some members of the British government; to compass the destruction of Britain's most formidable commercial rival.

At the time our Government could do nothing but protest against these wrongs. At the close of the war it exacted the amplest possible reparation, though through peaceful means.

Even worse than this was designed by the Confederate agents and by their British and other European friends. The duel between the *Merrimac* and *Monitor* in Hampton Roads had opened the eyes of the world to the value of ironclad warships. Great Britain had unequaled facilities for building such vessels, and could do so far more speedily than the United States. The Confederates therefore, having raised a large loan in England and on the Continent, gave orders at British shipyards for the immediate construction of two powerful ironclad rams, to be by far the most formidable vessels in the world. These were to be sent over, first to destroy the United States blockading squadrons or drive them away and thus reopen the Southern ports to the cotton and other trade, and then to devastate all the Atlantic cities of the North, especially New York, Boston, and Washington. It is quite possible that they would have been able to do this. In anticipation of this reopening of the cotton trade the Confederates were easily able to raise a loan of $15,000,000, secured by a pledge of the cotton which was thus to be released. In fact, no less than $45,000,000 was subscribed, some prominent public men being among the subscribers. Adams protested against the loan, but in vain. During the summer of 1863 he repeatedly protested against the building of the ironclads, but Russell replied that the Government could not interfere in any way with those vessels. Of Russell's good faith and honor in the case there can be no doubt. He referred the question of the ironclads to the law officers of the crown, by whose counsel it was his duty to be guided, and they reported to him more than once that there was no legal ground whatever on which the vessels could be seized or detained. All the evidence was that they were being constructed in fulfilment of a French order. It was no doubt unfortunate that Russell was at the time absent from London, in Scotland, so that all intercourse between him and Adams had to be conducted by mail. Could the two honest and straightforward men have got together, face to face, for an hour, Adams could easily have convinced him of the facts and the vessels could have been stopped. But at long range this was not

possible, and the vessels were permitted without interference to proceed steadily and swiftly toward completion.

At last, on September 3, Adams learned that one of the ships was practically finished and was about to sail. It was to be nominally transferred to a French company, and then turned over by it to the Confederates. In his diary Adams wrote: "I clearly see that a collision must now come out of it. The prospect is dark for poor America." But he made one last appeal to Russell, pointing out tersely and clearly what the sailing of the ironclads would mean to America, and what England's responsibility would be; adding perhaps the most celebrated and momentous phrase ever penned by an American diplomat: "It would be superfluous in me to point out to your Lordship that this is war." It is pleasant to add that this supreme utterance was anticipated by Russell. Before it reached him he had already decided to assume the personal responsibility of stopping the ironclads from leaving port. His order to that effect was given on September 3. He realized that he had been tricked into treating America badly in the case of the *Alabama,* and he meant not thus to be bamboozled again. Whether his chief, Palmerston, would approve his course, he did not know, but he did not let possible disapproval deter him from duty. He wrote to Palmerston that the conduct of the men who had contracted for the ironclads was so suspicious that he had decided to direct that the vessels be detained. In that the solicitor-general sustained him, not on grounds of law but of public policy. "We shall thus test the law," he said, "and if we have to pay damages we have satisfied the opinion, which prevails here as well as in America, that that kind of neutral hostility should not be allowed to go on without some attempt to stop it." Russell added a request that, in case Palmerston did not approve his course, a cabinet meeting should be called at once. But none was called. Palmerston did not dissent from Russell's course. A strong naval force was placed at the harbor entrance, to prevent a surreptitious exit of the vessels. The builders blustered and protested, but did not venture to bring suit for damages or for the release of the vessels. Neither did the Government care to take action for their condemnation. Ultimately, during the following year, the British government settled the matter by

purchasing them for its own navy. And that was the last contraband shipbuilding in Great Britain.

Still more flagrant was the contraband shipbuilding in France, though it attracted less attention. Slidell, the Confederate commissioner to that country, was the shrewdest and most successful of all the Southern agents in Europe, and in France he had to deal with an emperor who was naturally hostile to America and with ministers who were unscrupulous and corrupt. It was realized that the success of the attempted French conquest of Mexico depended upon the destruction of the United States, and accordingly the emperor and his half-brother, the Duke of Morny, used every possible influence short of open war in aid of the Confederacy. Not only was the building of Confederate vessels in private yards permitted, but at least two were built in the national navy yards and were provided with supplies from the government arsenals.

Two small vessels were finished and were permitted to sail. Two other powerful ironclads were also finished, and early in 1864 lay at the docks at Cherbourg, ready for service, and Slidell wrote to the Confederate government that they would be at sea within a week. Our minister at Paris, John Bigelow, had apparently exhausted the resources of diplomacy, but in vain. But at the last moment he resorted to an effective trick. He wrote to the American consul at Marseilles a letter, which he arranged should be stolen on the way and should be published in the press. In this he told the consul of the fitting out of armed cruisers or privateers by New York and Boston speculators, which were presently to sail in and from the Gulf of Mexico with letters of marque from Benito Juarez, the Mexican president, who, though a refugee in the mountains, still maintained his title against the French. These cruisers would, said Bigelow, direct their operations against French commerce, and the ravages of the Confederate cruisers indicated how serious the results would be for France. In this there was no truth whatever, but the emperor supposed it all to be true, and he made haste to stop the sailing of the Confederate ships and to assure Bigelow of his friendship for the United States.

XXII

THE CIVIL WAR—INTERVENTION

THE question of mediation or intervention between the Federal and Confederate governments arose early in the war. It was practically considered, however, by only two European governments, those of France and Great Britain. Of these the former was by far the more inclined toward such action. It proposed it earlier and more frequently, and in the more extreme form. Between the two there was a radical difference, which is readily explicable not only on general grounds but particularly on the specific grounds of France's relations with the neighboring republic of Mexico.

For many years before the outbreak of our Civil War the Mexican republic had been in a disturbed and revolutionary condition, and had fallen into financial chaos. Heavy claims against it were preferred by Great Britain, France, and Spain. These were chiefly well founded and deserved satisfaction, though it is not clear that they warranted the employment of other than diplomatic means. Such means were alone employed until some months after the beginning of our Civil War. Then, when it became evident that the United States government would for some time be fully occupied with the suppression of a formidable attack upon its own integrity, the European powers deemed the moment opportune for the application of extreme measures. Accordingly at the end of October, 1861, the three powers named entered into an agreement for despatching to Mexico a joint naval and military expedition, for the protection of their subjects and the satisfaction of their claims. Such an enterprise would never have been undertaken had the United States been unembarrassed by domestic strife and thus free to vindicate its ancient policy.

With what from one point of view seemed fair friendliness and from another defiant and contemptuous irony, the United

States—which had perhaps greater claims against Mexico than any of the others—was invited to participate in the undertaking, the invitation being offered some weeks after the agreement had been made by the three European powers. Seward received it in good faith, but declined it in unequivocal terms. It was, he truly said, contrary to the policy of the United States to go to war or to use military force for the collection of pecuniary claims due to its citizens by the citizens or even the Government of a foreign country. He might have added with equal and pertinent truth that such action was also contrary to the policy of Great Britain, as set forth by Palmerston himself. He did add a suggestion that the United States might consent to guarantee the payment of the Mexican debt and all just claims against that country, and thus obviate all reason for European intervention. Nor did he omit to give warning that the United States would never consent to the seizure of Mexican territory by any European power, or to the oppression or political control of that republic by any of them. The powers replied that the guaranteeing of Mexican obligations would not be sufficient, since an equal purpose of the intervention was to secure more ample protection for the lives, freedom, and property of foreigners domiciled in Mexico.

The tripartite expedition therefore proceeded to Mexico. At an early date in its operations, however, it became apparent that the three powers had by no means the same objects. Great Britain and Spain were in good faith seeking satisfaction of claims and security for their subjects, and nothing more. France was, however, intent upon military conquest and political control of Mexico, with the object of ultimate annexation. When this became clear to Great Britain and Spain, they withdrew from the enterprise, leaving France—doubtless to Louis Napoleon's great satisfaction—to carry it on alone. When disclosure of the French plans, or of the British and Spanish interpretation of them, was made to the United States, representations and inquiries were made to France, with the result that in June, 1862, the emperor categorically declared that "the French troops do not go there to interfere with the form of government, nor to acquire an inch of territory"; a brazen falsehood which was frequently repeated during that and the succeeding two or three

years. With the remainder of this Mexican embroilment we shall presently deal. Reference is made to it here and at this length in order to illuminate the real attitude and purposes of the French government toward the United States during the Civil War. Just as the three powers saw in that war their opportunity for intervention in Mexico, so Louis Napoleon saw in the success of the Confederacy and the downfall of the United States his only hope of permanent conquest of Mexico and the establishment of a French Empire in America.

As early as March, 1861, before the firing on Fort Sumter, the French minister at Washington, Mercier, advised his Government to recognize the Confederacy as a sovereign and independent power, and in May following he further recommended forcible intervention for raising the Federal blockade of the Southern ports. This was far in advance of any proposals of action by Great Britain, and went beyond anything that the latter country then contemplated. The French government was profuse in its protestations of friendliness to the Untied States, but it secretly sounded the British government, and would have acted upon Mercier's suggestions with avidity if the British government would have joined it in so doing. The ulterior object of this should have been and doubtless was apparent to Seward, in the aggressive course which France was then pursuing toward Mexico. It was judicious and diplomatic, however, to regard it as a purely friendly and benevolent offer, and this Seward did. "That generous offer," he wrote to Dayton on June 8, "imposes a new obligation on us toward France, which we acknowledge with sincere pleasure." But he proceeded to decline it, with an explicit and vigorous statement of American policy. "If mediation were at all admissible," he said, "that of his Majesty would not be declined. But the present paramount duty of the Government is to save the integrity of the American Union. Absolute, self-sustaining independence is the first and most indispensable element of national existence. This is a republican nation; all its domestic affairs must be conducted and even adjusted in constitutional, republican forms and upon constitutional, republican principles. This is an American nation, and its internal affairs must not only be conducted with reference to its peculiar continental position, but by and through Amer-

ican agencies alone. . . . To invite or accept mediation would be incompatible with these principles."

The British government took up the subject in October following. Russell suggested to Palmerston that while it would scarcely do for Great Britain alone, or with France, to break the blockade just for the sake of reopening the cotton trade, yet he thought it would be proper and effective for the two powers to unite in telling the United States government bluntly that unless it would accept and abide by their mediation it would have to reckon with them as its enemies. That meant, practically, that unless the United States acknowledged the independence of the Confederate States at their behest, the two European powers would declare war against it. Palmerston, who as prime minister controlled the action of the Government, disagreed with Russell and negatived his proposal, holding that the true British policy was to keep hands off. There was no doubt, however, that if Palmerston had adopted Russell's plan, the French government would have joined in it with eagerness and zeal.

The *Trent* affair, the increasing cotton famine, and the slow progress of the Federal arms undoubtedly caused an alienation of British sentiment during the winter of 1861–62, which encouraged the French hope that joint intervention, or at least recognition of Confederate independence, would soon be agreed to. Grant's victory at Donelson for a time checked this movement, but immediately thereafter came a series of Confederate successes, and the anti-American propaganda was revived. Gladstone, who in January had inclined to sympathize with the North, in April announced himself unequivocally a champion of the Confederacy. Addressing the unemployed thousands of Manchester, he told them that the cause of their misery was the refusal of the North to grant the demands upon which the heart of the South was set; he warned them against sympathizing with the North and thus alienating the great nation of the South; and denounced the notion that the fight was one between freedom and slavery, on the ground that he could have no faith in the propagation of human freedom at the point of the sword. He was not able, however, to influence his colleagues to go so far as to intervene in behalf of the South, for, at the middle of

June, Palmerston declared in the House of Commons that the Government had no present intention of offering mediation between the belligerents. He added that no communication had been received from France upon the subject. This latter statement must be accepted as technically true, but there is little doubt that the French government had been repeatedly sounding the British as to the manner in which direct proposals would be received, and that soon after that date there were suggestions from France of joint intervention.

Palmerston's own tone changed a little, indeed, at the beginning of July. It was then evident that McClellan's elaborate campaign against Richmond was doomed to failure and that the Federals were again being put upon the defensive. The cotton famine was also growing more serious, and the urgings of the French government were increasing in frequency and zeal. In these circumstances Palmerston was moved to state in Parliament that the British government would offer mediation if it were assured that there was any chance of its acceptance. But he knew that there was no such chance. There followed, however, a series of disasters for the Federal arms in Virginia, with the one splendid but wholly unimproved victory of Malvern Hill serving to intensify their depressing character and the gloom of the situation. In such circumstances Palmerston sat upon a public platform at Sheffield and smiled complacently while his colleague, Roebuck, railed against the American cause, denouncing the United States as "a people that cannot be trusted," their army as "the scum and refuse of Europe," and the attempt to restore the Union as "an immoral proceeding, totally incapable of success." Beresford-Hope, one of the foremost publicists of the day, publicly pledged himself to vote in the House of Commons for recognition of the Confederacy as one of the sovereign powers of the world.

Worse followed. Having vanquished in the Peninsular campaign not the Army of the Potomac but its irresolute commander, Lee began a northward march which seemed to threaten the fall of Washington and did in fact involve the passage of the Potomac and the invasion of Maryland. Before the result of this campaign was known, just after the disastrous second battle of Bull Run, Palmerston and Russell seriously considered im-

mediate intervention. Their plan was to take the initiative in proposing to France, Russia, and several other powers some form of joint intervention. Palmerston observed to Russell that the Federals had "got a very complete smashing," and that the capture of Washington or Baltimore by the Confederates seemed not unlikely. If the latter happened, he suggested that Great Britain and France should recommend the ending of the war on the basis of separation. Russell replied that he quite agreed with his chief in thinking that the time had come for offering mediation to the United States on the basis of recognizing the independence of the Confederacy, adding: "In case of failure, we ought ourselves to recognize the Southern States as an independent State." He suggested that a cabinet meeting should be called, at which he would propose that first France and then the other powers should be invited to join Great Britain in such an intervention. Palmerston hesitated, until he should see the end of the Maryland campaign. If it ended in Federal disaster, he would proceed on the lines suggested by Russell; but if the Federals won, he would wait a while. A prudent opportunist, that same Palmerston!

The American minister, Adams, knew all that was going on, and was of course much concerned. He wrote to Seward about it. In reply he was wisely directed to do precisely what he doubtless would have done on his own initiative had he been left uninstructed. That was, not "to debate, to hear, or in any way receive, entertain or transmit any communication" from the British government on the subject. Mediation or intervention in American affairs was to be a tabooed topic. And if the British government did recognize Confederate independence, he was instantly to sever his relations with it. The possible consequences of this, said Seward, had been weighed and the solemnity of the occasion was felt and freely acknowledged. The United States government realized that it confronted the danger of a war with Great Britain and other European States. "We have approached the contemplation of that crisis with a caution which great reluctance has inspired. But the crisis has not appalled us."

This was surely getting close to the heart of things. On the whole it was the most critical time of the whole war. In our

foreign relations Adams felt it to be "the very crisis of our fate." He could not say a word to Palmerston or Russell about it. But he did contrive, with masterful shrewdness and discretion, to let them have an unmistakable intimation of his attitude and of what would happen if they persisted in their plans. Forster, the great philanthropist and statesman, and one of America's staunchest friends, was his close confidant, and though he was not then a member of the cabinet, he was on terms of intimacy with most of the ministers. To him, therefore, Adams, as man to man, disclosed Seward's instructions and his own intentions. Forster in turn discreetly conveyed the same to Palmerston and Russell, with the result that those gentlemen hesitated and reconsidered the proposed cabinet meeting. While they were still hesitating, news came of Antietam, at which Palmerston decided to wait a little longer. "Ten days or a fortnight," he said, "may throw a clearer light upon future prospects."

Unfortunately the first popular impression produced by Antietam was short lived. It became apparent that the victory was not being followed up. The invasion of Maryland was ended for the time, but the war south of the Potomac was unaffected. So the scheme of intervention was brought up again. Russell on October 13 wrote to his colleagues asking them to consider whether it was not the duty of Europe to "ask both parties, in the most friendly and conciliatory terms, to agree to a suspension of arms." Meantime Gladstone, who as chancellor of the exchequer ranked with the prime minister and foreign secretary as one of the "big three" of the cabinet, had flung himself publicly and unreservedly upon the side of the Confederacy. Speaking at a great public banquet at Newcastle, when he was assumed to be voicing the sentiments and purposes of the Government, on October 7, he first denied that Great Britain had any interest in the disruption of the American Union, unctuously expatiated upon the "perfect neutrality" which had been observed, and actually professed sympathy with the North. But, he exclaimed with unconcealed exultation, "there is no doubt that Jefferson Davis and other leaders of the South have made an army; they are making, it appears, a navy; and they have made what is more than either—they have made a nation.

We may anticipate with certainty the success of the Southern States so far as their separation from the North is concerned."

This statement, made with careful deliberation and premeditation, in the most public manner, by one of the most authoritative ministers of the crown, was doubtless the most cruel and dangerous blow that was struck at the United States abroad during all that four years' struggle. Nothing else gave so much encouragement and joy to the enemies of the Union, or so overwhelmed its friends with despondency and dismay. It was naturally interpreted as an official notice that the British government was about to recognize the independence of the Confederate States, and that, everybody knew, would mean not only enormous assistance to the Confederate cause but also a breach of relations and probably war between Great Britain and the United States. The vital significance of it was instantly recognized. Adams wrote in his diary the next day, "If Gladstone be any exponent at all of the views of the cabinet, then is my term likely to be very short. The animus, as it respects Mr. Davis and the recognition of the rebel cause, is very apparent." "The London Spectator," a journal friendly to America, "bitterly lamented" the episode, but recognized in Gladstone's words "a settled and official resolve." Disraeli, with full knowledge of the circumstances, afterward said that Gladstone had been commissioned by the cabinet to make the declaration, "formally, avowedly with the consent and sanction of the Government." Indeed, Gladstone himself, for a time, stood by his words in all their naked brutality. When a representative of the Manchester cotton trade asked him the meaning of his speech, he replied through his secretary that it was "no more than the expression, in rather more pointed terms, of an opinion he had long ago stated in public, that the effort of the Northern States to subjugate the Southern ones is hopeless." A few years later he confessed that he had been wrong, though he still persisted that his motive was not bad. Of course his motive was to do all in his power to injure and defeat the United States and to promote the success of the Confederacy.

The matter of Gladstone's alleged subscription to the Confederate cotton loan has been and probably always will be

disputed. The list of subscribers was for a time kept secret. But in the summer of 1865 John Bigelow, the United States minister to France, had occasion to investigate the matter, and secured a copy of it, or of what purported to be a copy. It bore the name of Gladstone, for a subscription of 2,000 pounds, or $10,000. Bigelow was surprised and much grieved, and hesitated to report the list to the Government at Washington, though he felt it to be his duty to do so. He conferred with John Bright, and, presumably at his suggestion, not only sent the list to Seward, but also procured its publication in the press of both London and New York. This caused what Bigelow himself described as a sensational explosion. Gladstone telegraphed to the "London Star" as follows:

"I see my name placed by some strange error in the Confederate loan list. Have it removed."

With that denial the friends of the British statesman must be content. Explanation of how the "strange error" occurred has never been made.

The issuance of the Emancipation Proclamation, in September, 1862, strangely enough had an unfavorable effect upon British sentiment. Even John Bright did not understand it and forbore to commend it, while most of those who had been urging the North to make the war a fight for freedom against slavery now affected to see in the proclamation nothing but a monstrous attempt to overwhelm the South with a servile insurrection in which the horrors of Haiti would be repeated on a larger scale. "The Saturday Review" denounced it as a crime. "The London Times" pictured Lincoln as gloating over the South transformed into a hell of arson, murder, and lust. Even the friendly and enlightened "Spectator" complained that "the proclamation has been made in a way which takes from it half its usefulness and almost all its grace. The principle at stake is entirely disregarded, and emancipation is promised as a mere incident in the war." It never seemed to dawn upon the British mind that the only authority which Lincoln had for issuing the proclamation at all was that of the "war powers of the Constitution," and that as a war measure was the only way in which the proclamation could be made.

Now France again appeared openly upon the scene. Slidell,

having completed the voyage which had been interrupted on the *Trent*, was busy at the French capital. He had talked with the emperor at Vichy in July, had emphasized to him the opposition of the United States to his designs in Mexico, had promised him the coöperation of the Confederate States there if he would aid them against the Federals, and had specifically offered him 100,000 bales of cotton, then worth $12,500,000, if he would send a naval expedition to raise the blockade. Louis Napoleon had listened to these things attentively and sympathetically, and Slidell had been encouraged to continue negotiations with the French foreign minister. Now, on October 22, the emperor gave another audience to Slidell at St. Cloud, at which he practically promised to secure joint intervention by Great Britain, Russia, and France. His favorite plan was to propose an armistice between the belligerents for six months. Once have hostilities stopped for so long, he thought, and they would never be resumed. It was possible, indeed probable, that the United States would refuse to agree to such an armistice—as beyond doubt it would have done. In that case, said the emperor, there would be good reason for recognizing the independence of the South, "and perhaps for more active intervention."

Following this, at the end of October, the emperor instructed his ambassadors at London and St. Petersburg to propose to the British and Russian governments that the three powers should "exert their influence at Washington, as well as with the Confederates, to obtain an armistice for six months." The Russian government, being at that time semi-hostile to France, declined the proposal in terms in which much friendship for America was expressed, saying that it wished scrupulously to avoid anything that would look like the exertion of pressure, or would wound public opinion or excite susceptibilities. The British government declined it also, with equal positiveness, on the ground that there was no hope that the United States would accept the proposal, and that its refusal would prevent the renewal of the offer. This refusal of the British government commanded general approval, even from Englishmen who favored the Southern cause.

But Louis Napoleon was not to be diverted from his purpose. In the following December came the awful disaster to the Fed-

eral arms at Fredericksburg, which confirmed many in the belief that the Union cause was hopeless. The cotton famine in France was at its height, and hundreds of thousands of work people were at the verge of starvation. Deeming this the psychological moment, Slidell on January 8, 1863, suggested to the emperor the recognition of Confederate independence, by France alone. The answer came the next day. On January 9 the emperor dictated a note to the American government, offering the friendly mediation of France alone between it and the Confederacy. This reached Washington early in February, and was promptly answered by Seward, at Lincoln's dictation, in a courteous, argumentative, but firm letter of declination. That ended the matter. Having gone thus far, the emperor lacked the courage to proceed further without the coöperation of Great Britain, and that, he was at last convinced, it was impossible to get.

Impossible, indeed. For while the usurping emperor was indulging in these vain intrigues, there occurred in England one of the most splendid and inspiring uprisings of an enlightened and emancipated public sentiment of which history bears record. At last the real purpose of the Emancipation Proclamation was understood, and the heart of the English people responded to it with an impulse which no power could withstand and which no Government could venture to defy. A great public meeting was held in London on New Year's eve, which hailed "the dawn of the New Year as the beginning of an epoch of universal freedom upon the western continent and of closer friendship between the people of England and America." At the same moment a similar gathering in Manchester, stricken as that city was with the cotton famine, adopted similar resolutions addressed to the President of the United States. At Sheffield, too, on that memorable night, a vast gathering thundered adoption of resolutions to the effect that it was "the duty of England to give her sympathy and moral influence to the Northern States."

All England took up the cry within the next few weeks. Deputations waited upon the American minister, with addresses of sympathy and encouragement. At least two members of the cabinet, the Duke of Argyll and Milner Gibson, spoke publicly

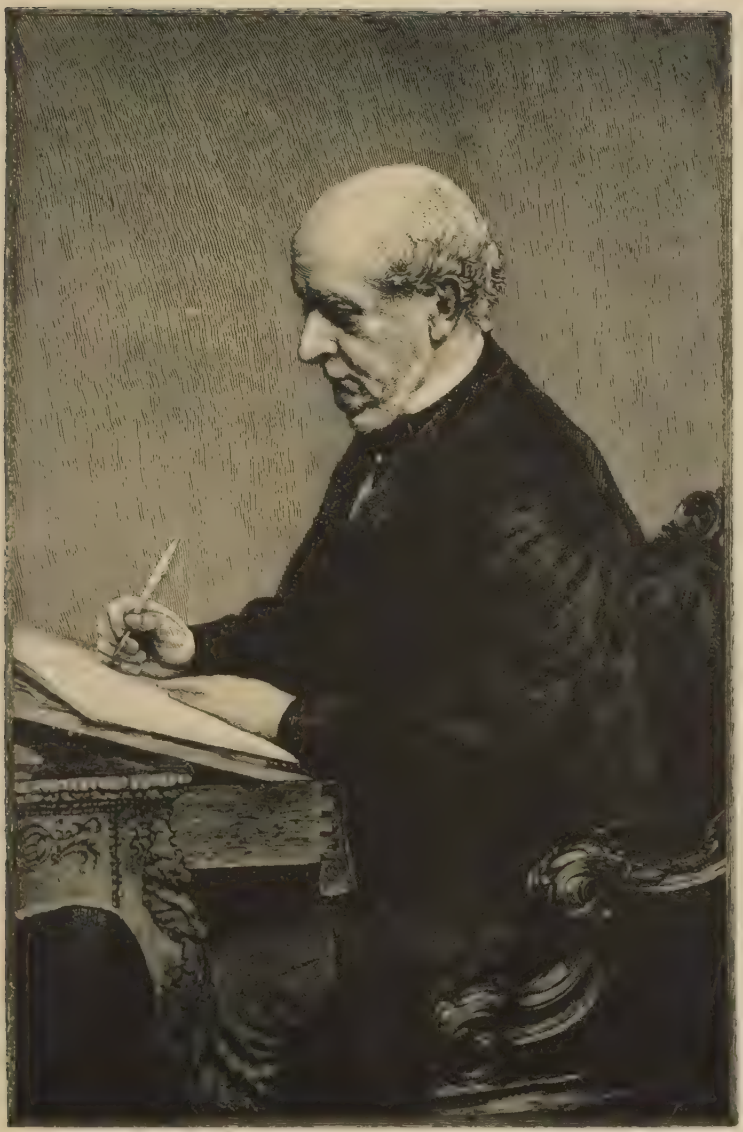
for the Federal cause. Vast meetings at Exeter Hall and at Spurgeon's Tabernacle, in London, applauded the name of Lincoln to the echo and cried down that of Jefferson Davis. At Bradford it was resolved that any intervention of any kind in favor of the Slave States would be disgraceful; in Gloucestershire any apparent complicity of England with the Confederacy in the equipment of warships was condemned; and in almost every considerable city and town in England, Wales, and Scotland similar sentiments were expressed at great popular assemblages. It is true that these demonstrations were largely made by the "common people" and by the scholars and men of letters, while the aristocracy remained largely hostile to America. Parliament was hostile, by a large majority. But not even the most supercilious of these could afford to ignore the voice of the multitude. An increasing number of the clearest-sighted statesmen, such as Disraeli and Lord Derby, openly espoused the Federal side, or at least vigorously opposed anything like hostility toward it.

The mercurial character of international relationships was never more strikingly displayed than at this time. For closely following upon this outburst of English good will for America came strained relations and renewed menace of war. The Confederate cruiser *Alabama,* built in an English shipyard, manned largely by an English crew, and much of the time flying the British flag, was sweeping American commerce from the seas. Naturally resentment and anti-English wrath waxed high in the United States, and Adams made vigorous protests and complaints to the British government. Russell replied that that Government entirely disclaimed all responsibility for the *Alabama* and her doings, and Palmerston and others made similar declarations in Parliament. Adams and his friends feared that the debate in the House on March 27 would lead to war between the United States and England within six months. Happily, the good Forster again intervened as an intermediary between Adams and the cabinet. Another Confederate ship, called the *Alexandra,* after the Princess of Wales, was about to follow the *Alabama.* Forster asked Adams if it would greatly help matters to have her stopped. Adams replied that it certainly would. Forster went straight to Russell. What passed between them

was not disclosed, but the next day the *Alexandra* was seized by the British government. That turned the scale. For some weeks there was uneasiness, but the crisis was past.

The disaster of Chancellorsville, and Lee's advance into Pennsylvania, again brought concern and dismay to friends of the North, and encouraged Southern sympathizers to renew their efforts for recognition. Numerous public meetings were organized at various places in the Confederate interest, recommending recognition of the South. Mr. Roebuck, the Radical member of Parliament who had made the violent anti-American speech at Sheffield, and who posed in spectacular fashion as a "friend of the people," took the lead in the agitation. On June 30 he moved in the House of Commons to instruct the cabinet to enter into negotiations with the chief continental powers for coöperation in recognizing the independence of the Confederacy. He argued that the Southern States had vindicated their title to such recognition; besides which, he naïvely added, they offered England free trade! He declared that he had had an interview with the Emperor of the French, in which the latter said that he was more strongly than ever in favor of recognizing the South, and had instructed his ambassador to lay his wishes before the British government and to endeavor to secure its coöperation. "I give you," said the emperor, "full liberty to state to the House of Commons this my wish." But he added that in any event he was determined to act toward America only in coöperation and accord with England.

Now this report of the interview with Louis Napoleon was doubtless sufficiently correct. Roebuck had gone over to see the emperor, at Slidell's request, as a part of one of the latter's most adroit and audacious intrigues. But in exploiting it before Parliament, Roebuck egregiously overreached himself. The Government revolted at the appearance of the French emperor's palpable effort to influence British action, and in consequence arrayed itself solidly against Roebuck's motion. One of the prime objects of the manœuver was to force Russell out of the cabinet and to replace him with a foreign minister less honest and upright, or less favorable toward America. But the Government rallied to Russell's support as one man. The upshot was that after Gladstone had made some anti-American speeches,



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and Bright and Forster had spoken for the United States, on July 13 Roebuck withdrew his maladroit motion.

A few days later came the news of Gettysburg and Vicksburg. The Southern sympathizers were at first incredulous. Even "The London Times" at first refused to credit the news. When at last it was impossible longer even to pretend to disbelieve it, there was great disappointment. Nor was the event without its effect upon the Government. Adams remarked that at the next official reception which he attended, Palmerston was more civil to him than he had ever been before since his arrival in London. Following this came the incident of the two ironclads, already related in the preceding chapter, with the conclusion of which in the early fall of 1863, the last danger of European intervention, of recognition of the Confederacy, or of war between any European nation and the United States over the Southern question, may be regarded as having passed away.

Two other interesting and important topics relating to those times remain to be considered. One is, the part which the British sovereign personally played in maintaining peace between the United Kingdom and the United States. On this subject there is probably no better authority than Charles Francis Adams, Jr., the son of the man who was American minister to England during the war.

Some years ago Abram S. Hewitt, a distinguished citizen of New York City, publicly stated, on what he declared to be his own personal knowledge, that the elder Adams received early in 1862 private information that the French government was about to induce the British government to recognize the independency of the Confederacy; and that thereupon he practically demanded an audience with the queen. Upon being received by her at Windsor he remonstrated as strongly as possible against the purposed action of her Government, whereupon she said to him, "Mr. Adams, give yourself no concern; my Government will not recognize the Confederacy." The younger Charles Francis Adams, on hearing this story, regarded it as intrinsically improbable, but set about investigating it in the most thorough manner. The result was that in 1904 he read to the Massachusetts Historical Society and then printed an elaborate paper on the subject. In this he neither confirmed

nor refuted Mr. Hewitt's story, but he did throw convincing light upon the attitude of the queen toward America during the war and her influence in behalf of the Union. His conclusion was that the queen, intervening at a critical moment, did thwart the inclination and probable intentions of her ministers to recognize the Confederacy, and that she took that momentous action not at Windsor, nor indeed in England, but at Gotha, in the early autumn of 1862. In support of this belief Mr. Adams marshaled an array of facts which certainly render its rejection difficult and its acceptance almost if not quite inevitable.

Mr. Adams related that on March 6, 1902, President Eliot of Harvard University, in conferring an honorary degree upon Prince Henry of Prussia, spoke as follows:

"Universities have long memories. Forty years ago the American Union was in deadly peril, and thousands of its young men were bleeding and dying for it. It is credibly reported that at a very critical moment the Queen of England said to her prime minister, 'My Lord, you must understand that I shall sign no paper which means war with the United States.' The grandson of that illustrious woman is sitting with us here." It appeared to Mr. Adams that the Eliot version of a traditional incident was, humanly speaking, at least possible, which could hardly be said of the Hewitt version, and he accordingly asked President Eliot for his authority. He received this highly interesting and valuable reply:

"In 1874 I was at Oxford for a week. Dr. Acland, to whom I had a letter, procured for me an invitation to lunch with Prince Leopold, who was then living with a tutor in a small house at Oxford and going to some lectures. Dr. Acland went with me, and we were four at the table. In the course of the luncheon the prince told the story of the queen's interview with Lord Russell, Dr. Acland prompting him to do so. He gave no authorities, and said nothing about the source of his information. He must have been a small boy at the time of this interview with the queen. Dr. Acland spoke of the story as if he believed it. Naturally, I remember the prince's statement, but I do not know that I ever have talked about it. Quite lately —that is, since last March—I heard somebody else attribute this statement to Prince Leopold, but I have now forgotten who

that somebody else was. I have never seen any real authority for it, and that is the reason I used the expression 'credibly stated.' "

Now Sir Henry Acland had accompanied the Prince of Wales on his tour in this country in 1860, and in 1874 he was a professor at Oxford University and honorary physician to the queen's youngest son, Prince Leopold. He must therefore be regarded as a man competent to form an authoritative opinion and as so situated as to be conversant with the circumstances and facts of the case. Apparently he believed this story, and this evidence, as Mr Adams observed, "indicates clearly and indisputably that an accepted tradition prevailed in the royal family and about Windsor Castle that, at some period of crisis in the course of our Civil War, Queen Victoria did take a decided stand with the ministry in opposition to anything calculated to provoke hostilities with the United States. Accepted traditions are rarely without some foundation of fact."

It is probable that for several months after the death of her husband, in December, 1861, the queen had no occasion to deal personally with American questions, and because of her physical condition and great depression of spirit her ministers were anxious to relieve her as far as possible of the burdens of public business. She may, therefore, not have been aware of the direction in which their thoughts were tending during the spring and summer of that year. In September, however, while she was in Gotha, where her constant and often declared purpose to be guided in foreign affairs by her knowledge of Prince Albert's sympathies and convictions may naturally have been fortified by her environment, certain occurrences which must have come to her knowledge invited decisive action on her part. It was Mr. Adams's belief that, asserting her prerogative, she there and then compelled her ministers to reconsider a design which they were forming, and to continue a policy which was of vast moment to the United States.

During the early part of the Queen's stay in Gotha, Russell being the minister in attendance upon her there, letters passed between Russell and Palmerston in which they revealed to each other their views on the relations of Great Britain and the United States.

As already related in these pages, Palmerston suggested to Russell that the time was probably appropriate for joint action with France in recommending a settlement of American affairs on the basis of recognized separation of the Confederacy from the Union, and Russell replied that he agreed with that suggestion. The foreign minister added that in his judgment, if such a proposal to the United States should fail, "we (the English government) ought ourselves to recognize the Southern States as an independent State," and, "for the purpose of taking so important a step," proposed a cabinet meeting in the near future. Palmerston thought this "plan of proceedings . . . excellent," and was of opinion that the offer should be made "before the middle of October."

At this juncture Russell returned to London and Granville took his place as minister in attendance upon the queen at Gotha. Soon afterward Granville was informed by Russell, from London, that the question of joint mediation would probably be brought before the cabinet—was so informed doubtless, not for the sake primarily of obtaining his own views, but for the information of the queen through her minister in attendance. "It was," says Adams, "as I surmise, at this juncture, if at all, that the queen took the stand she is alleged to have taken and put her personal veto on any movement, or change of policy, calculated to embroil the two countries." Conclusive evidence that she did so is still lacking, but some known facts are extremely significant. For example, Granville sent from Gotha to the foreign secretary "a very long letter," of which, so far as appears, only one passage has ever been published, being quoted in Spencer Walpole's "Life of Lord Russell." "It was," says Adams, "very much in the nature of a cold douche to the action proposed," for it ran as follows: "It is premature to depart from the policy which has hitherto been adopted by you and Lord Palmerston; and which, notwithstanding the strong antipathy to the North, the strong sympathy with the South, and the passionate wish to have cotton, has met with such general approval from Parliament, the press, and the public."

That this "very long letter" unmistakably communicated the queen's will to her foreign secretary is not demonstrable, but seems altogether probable. Certain it is that for some time there-

after the course of events baffled even the keen penetration of the American minister, who confessed that he was "mystified." Just then Gladstone made the famous declaration that Jefferson Davis had created a nation, foreshadowing action adverse to the Union by the British government. It was made in the light of a circular announcement to all the members of the cabinet of what was in contemplation and of the knowledge that a cabinet meeting had been called for October 23. That meeting was never held. On October 14, Sir George Lewis, secretary for war, publicly declared his disagreement with Gladstone's speech, and suddenly the premier and the foreign secretary "found themselves between two fires, Granville representing the queen on one side, and Sir George Lewis, speaking for what might be best described as the Cobden-Bright element in the cabinet, on the other side." Palmerston and Russell were consequently constrained to wait, and the time to carry out their design never came. Instead of attending a cabinet meeting on October 23, the foreign secretary received Adams, and assured him that the policy of the Government toward the United States would not be changed at that time. Adams thereupon remarked that his errand was finished and took his leave.

No further light of importance has since been shed upon this matter either in Great Britain or the United States. In its absence it will not be injudicious to believe that at a serious crisis in international affairs the queen did in a gratifying manner interpose her personal influence, if not her positive authority, to prevent an act which would have caused serious embarrassment to the American Union, if it indeed would not have involved this country in a war with one or more European powers.

It is necessary, also, to review the engaging legend of Russia's "traditional friendship" for this country and her great service to us during the Civil War. The well-known facts of history, as already related in these pages, largely dispose of the "traditional friendship," showing that Russia was not our friend, but our enemy's friend in the Revolution; that it was primarily against her hostile designs that the Monroe Doctrine was directed, and that we had to warn her out of California to prevent her seizing it. There remains, however, the circumstance of her conduct during our Civil War. About it a great

mass of tradition and speculation has grown up, and the impression has widely prevailed that during the crucial part of our war Russia maintained a powerful fleet at New York, under sealed orders; that those orders probably were that in case of need from foreign attack that fleet was to be placed at the service of our Government, and that to such Russian befriendment we owed our escape from British and French intervention. Now, if that impression were correct, our indebtedness to Russia could scarcely be overestimated. In almost every essential detail that is known, however, it is not correct.

The known facts concerning that interesting episode are substantially as follows:

Russia's ships did not come to our ports at a crucial time, but after the crisis was past, danger of intervention was over, and the triumph of the Union was practically assured. The dates show that. They reached New York at the end of September, 1863, when the war was much more than half over. That was nearly two years after the *Trent* affair, a year after Antietam, nine months after the Emancipation Proclamation, and nearly three months after Gettysburg and the capture of Vicksburg and Port Hudson. It is idle to pretend that those were the "crucial days" of the war. The crisis was over, and the Union was on the sure road to restoration. The menace of foreign meddling was equally past. It was nearly a year before, in October, 1862, that Louis Napoleon, at the urging of Slidell, proposed to Russia and Great Britain a tripartite offer of mediation. It was nearly seven months before, in February, 1863, that Louis Napoleon made his last offer of French mediation alone. The British and French governments were still unsympathetic. But the British nation, at least, was at last on the side of the Union. The missions of Beecher, Hughes, McIlvaine, Weed, and others had been effective. On January 17, 1863, Adams, than whom no stronger witness can be cited, wrote: "The current is now setting very strongly with us among the body of the people." True, at the end of the following March, Palmerston made a flippant speech on the *Alabama,* which seemed to threaten war. But on April 5 the sailing of the Confederate cruiser *Alexandra* was stopped, and on April 24 the speaker of the House of Commons called on Adams in order to

apologize for and to discredit some anti-American speeches which he had been unable to choke off.

We have already recalled that Roebuck's motion for recognition of the Confederacy was withdrawn on July 13, without a vote, and that on September 3 the two Confederate ironclads were seized by the British government. After that there was nothing more clearly seen than that Great Britain, either alone or in conjunction with others, would make no further movement toward intervention, or even recognition of the Confederacy. And if Great Britain would not do so, no other power would. If, therefore, the Russian ships came to aid us, they came when their aid was no longer needed.

Russia's ships, moreover, if they had been needed, would have been of little avail. They were too few and weak. There were in all eight of them. Not one was a line-of-battle ship. There were three frigates, carrying about fifty guns each, two corvettes, of perhaps twenty guns each, and three clippers, or sloops, of eight or nine guns each. It is not improbable that the three British ships which were here at the same time—one of which was the line-of-battle ship *Nile,* and another was the steam frigate *Immortalité*—would have been more than a match for them; not to mention the French frigate *Guerrière,* which was also at New York.

Nor did the Russian ships stay at New York, or in American waters, until the war was ended. On their arrival at New York, Admiral Lessoffsky announced that they had come for a few weeks, after which they would go to other ports. At the first of December they visited Washington, and early in 1864 they returned home to Russia. So while they came too late, they went away too early, and they were altogether too few and weak to justify the legend that has grown up concerning them and their service to the Union.

It is of interest, further, to recall how they were regarded by us at the time. If there was any notion in this country that they had come to fight for us, it was carefully concealed. There was no expression of it in the press, or in public or private speech, though the papers printed columns about them and there was speech-making galore. "The New York Tribune" was then the foremost journal on the Republican—then the Union

—side. A few days after the ships reached New York it printed (on September 20) an editorial a column and a half long on "Our Foreign Relations," in which neither Russia nor her fleet was so much as mentioned. In connection with the entertainment of the Russian naval officers in New York it referred (on October 2) to "the profound appreciation by the American people of the friendly attitude which the Russian government has occupied toward our own, especially since the beginning of the Southern rebellion." Further, speaking of Russo-American friendship, "The Tribune" said: "It is not necessary to follow this feeling into the mysteries of negotiation and the finesse of ministerial correspondence. It is better to generalize our conclusions. In honest and friendly greeting, dexterity is out of place and double dealing at fault. . . . The people of the United States have not sought for foreign aid, and have only asked for foreign forbearance. . . . But if not let alone, we must seek such aid as time, circumstance, and good fortune afford us." That was the nearest approach at that time to anything like a reference to any special mission of the Russian ships. The Democratic view of the case was expressed by "The New York World," which (on September 26), referring to the arrival of the Russian ships, said: "It is natural and inevitable that speculation should be busy among us with the causes which have determined the concentration here of so considerable a force; and should the Russian admiral be followed, as it is already rumored he is likely to be, by flag officers and fleets of other European powers, it will be impossible for the blindest not to see that the epoch so much dreaded by our fathers, in which the affairs of America shall be dangerously complicated with the policy of Europe, is already closing in upon us."

After a few months in American waters, the fleet returned to Russia, and on August 18, 1864, Admiral Lessoffsky and his fellow officers were presented by Admiral Grieg to the American minister at St. Petersburg, Cassius M. Clay, in order that they might express to him their appreciation of the hospitality that had been extended to them in America. On that occasion there was much speech-making by Admiral Grieg, Admiral Lessoffsky, Clay, and Henry Bergh, the American secretary of legation, all of which was reported *in extenso* to Seward at Wash-

ington. But in all of it not a word was said, nor was a hint given, about "sealed orders" or Russian aid to the American cause. Bergh, who was always one of the most outspoken of men, did indeed refer somewhat banteringly to some alleged current speculations in Europe upon a "mysterious alliance" between America and Russia; but he went on to treat such speculations with scorn, and to attribute the visit of the fleet not to Russia's wish to aid us, but simply to her intention not to interfere with our domestic affairs.

What, then, was the purpose of that brief and inconsequential visit? Or, rather, what was supposed to be its purpose, apart from simple friendship of a neutral sort between the two countries and the wish of the czar, who had just freed the serfs, to pay a compliment to the President, who had just freed the slaves? The answer is easily given. Russia had recently been beaten in war by France and England—chiefly by France, for the latter was the leader in the Crimean War—and she was eager for revenge. In 1863 a renewal of war between France and Russia appeared to be imminent. In such case Russia did not propose to have her fleet sealed up in her blockaded home harbors, as it was in the Crimean War. The example of the Confederate cruisers suggested to her what she might do to French commerce. So she sent her ships out to distant ports which were then friendly, and which in case of such war would be neutral; and she sent them to American ports, in order to be within easy striking distance of the French in Mexico. This was very largely the official and the popular view in America. Thus, on October 6, 1863, Charles Sumner—who, as chairman of the senate committee on foreign affairs, should have been well informed—wrote as follows to his friend, John Bright: "You will observe the hobnobbing at New York with the Russian admiral. Why is that fleet gathered there? My theory is that when it left the Baltic, war with France was regarded as quite possible, and it was determined not to be sealed up at Cronstadt; if at New York, they could take the French expedition at Vera Cruz."

Thus we get down to the facts of the case, namely: That a Russian fleet, which was not strong enough to do us much good if it had been needed, came hither at a time when it was not

needed, and went away again long before our war was ended; and that on the Russian side there was no pretense, and on the American side there was no supposition, that it came hither to help us, but there was a widespread assumption that its errand, so far as we were concerned, was entirely neutral, and that if its aim was at all belligerent it was to strike at France for Russia's sake and not to defend New York for our sake.

There remains, however, just one possible ground for gratitude to Russia, namely, the one unrevealed detail of the "sealed orders." It is possible that, despite the facts which I have here rehearsed, the ships did come hither with sealed orders which, in a certain emergency, would have put them at our disposal. If so, despite the untimeliness and futility of it all, we owe Russia sincere and profound gratitude for her good intention. But how are we to know that such was the case? There is no proof and no hint of it in the record thus far revealed to the world. Search has been made. Inquiry has been made. But nothing has been disclosed, either at Washington or at St. Petersburg. If any such "sealed orders" ever existed, their secret has been kept better than any other in the history of the world. In the absence of a single scintilla of proof that they ever existed, and in the presence of an overwhelming presumption that they never did, it is not difficult for impartial and judicious minds to form an opinion as to the facts in the case.

XXIII

SOME NORTH AMERICAN COMPLICATIONS

THE close of the Civil War produced a prompt and salutary change in our European relations. The United States was freed from all menace of meddling in its affairs, and was confirmed in a more important place in the esteem of the world than ever before. The prestige of success in a great war, and the restoration of the Federal Union to integrity and assured perpetuity, profoundly impressed those nations, or those statesmen and rulers, who had been anticipating the dissolution of the republic. Those who had let the wish be father to the thought, and had given sympathy if not actual aid to the Confederacy, realized, in Lord Salisbury's contemptuous phrase, that they had been "backing the wrong horse," and made haste to repair their fault as far as possible by cultivating the favor of the winner.

Meantime there were innumerable odds and ends of foreign affairs which had perforce been neglected in the storm and stress of war, which now had to be taken up for settlement. The nation had suffered the unspeakable catastrophe of the loss of Lincoln, and there were those who feared that that loss would prove as serious in foreign as in domestic relations, and that, freed from that wise and prudent control, Seward, who remained secretary of state under President Johnson, would rush into some such vagaries as those which he had essayed at the beginning of his career in that office. Fortunately that proved to be conspicuously not the case. Apparently sobered by the tremendous experience of the war, and by the tragic removal of his great chief, Seward thenceforth displayed a conservatism as marked as his early radicalism had been, and conducted the diplomacy of the nation with unfailing tact and discretion.

One of the first problems was that of Mexico. The tripartite intervention of France, Great Britain, and Spain, in 1861, for

the collection of just debts, had been transformed by the withdrawal of the latter two powers into a French campaign of conquest for the establishment of a new European sovereignty on North American soil. The French emperor profusely protested, of course, that he had no such ulterior designs. Nevertheless he had them, and he pursued them with the same persistence and perfidy which had marked his looting and overthrow of the second republic in France itself, only ten years before. He even sought to employ the same means, a spurious plebiscite. Mexico was at this time, as unhappily it has been throughout most of its independent career, distracted with intestine feuds. On one hand was the Clerical party, controlled by reactionary ecclesiastics, which favored the establishment of a monarchical government; and on the other was the Liberal or anti-Clerical party, devoted to maintenance of the republic. The actual government was republican in form, but it was weak and unstable, and in danger of being overturned any day by some successful revolutionist. Napoleon shrewdly addressed himself to the leaders of the Clerical party, himself professing to be the loyal son and foremost champion of the church. By means of bribes to some and threats to others, and working upon the real despair which some felt over the apparently hopeless task of developing true republicanism in Mexico, he induced them to seek a plebiscite on the question of establishing a monarchy and of calling some foreign prince to the throne as emperor.

He was well aware that under the Monroe Doctrine the United States would never permit any direct conquest of an American State by a European power. But he calculated upon two circumstances for the success of his villainous enterprise. One was, that if the change of government had the appearance of being effected by the Mexicans themselves by popular vote, American opposition would be disarmed, as the United States would of course concede the right of the Mexicans to choose their own form of government and their own ruler. The other was, that the United States was at the time engaged in a life or death struggle for its own existence and therefore would be physically unable to interfere effectively against French designs, no matter how flagrant these might be. He confidently counted on the disruption of the Union and the success of the Confed-

eracy, in which case, of course, there would be no opposition to his conquest. But even if the Union should in the end be successful, before the close of the war his conquest of Mexico would be an accomplished fact, which it would be impossible for the United States to undo.

Seward perhaps accepted as true the early French disclaimers of any intention of conquest. At any rate he deemed it politic in the then existing circumstances to treat them as true. He therefore instructed Dayton, our minister to France, to say that they were so accepted, and that the United States did not challenge the right of France to collect just claims from Mexico, even at the cost of war; but to add that the United States had a right and interest to insist that France should not improve the opportunity afforded by the war to change the form of the Mexican government. This emboldened Napoleon to proceed with his conspiracy. The plebiscite was never taken, but on July 10, 1862, a convention of Clerical leaders, purporting to represent the Mexican people, was held, under the direction and dictation of the commander of the French army, and at his orders it voted to establish an imperial form of government and to call to the throne the Archduke Maximilian, a younger brother of the reactionary and autocratic Emperor of Austria.

This was made known to Seward, with the intimation that it would be best for the United States to acquiesce in it, because the installation of Maximilian's government and recognition of it by this country would mean the prompt withdrawal of the French army from Mexico, which of course we were supposed greatly to desire; and because, also, any attempt by this country to prevent the seating of Maximilian would probably result in a war with France, which we might not be able at that time to maintain. Seward replied that the United States had no disposition to intervene in the domestic affairs of Mexico, but recognized the right of that country to choose and establish its own government, even though it should be monarchical in form. But the United States was firmly convinced that the Mexican people at heart desired a republican form of government, with a native president, rather than an empire with an exotic sovereign, and if France persisted in carrying out in Mexico a policy contrary to these views, there would be grave danger of an ultimate "col-

lision between France and the United States and other American republics."

With that dignified and unmistakable utterance Seward was content to let the matter stand for the time. Congress was, however, less patient. During the winter of 1863–64 resolutions concerning Mexican affairs were introduced in both Houses. In the Senate the resolution was laid upon the table at the instance of Charles Sumner, who justly observed that it either meant war or was quite meaningless; in either of which cases it was unfit for passage. In the House of Representatives, however, a resolution was adopted, declaring that that body was not an indifferent spectator of the proceedings in Mexico, and that it "thought fit to declare that it did not accord with the policy of the United States to acknowledge any monarchy erected in America upon the ruins of any republic, under the auspices of any European power." This undoubtedly expressed the sense of the American people and Government, though as a mere declaration of a single branch of Congress it had no diplomatic or other force. It did not escape the notice of the French government, however, but provoked it to demand of Dayton at Paris pretty bluntly the meaning of it, and whether the United States desired peace or war with France. Confederate agents and sympathizers in Paris became exultant, in the hope that a war might be precipitated, which would be to their great advantage. Dayton discreetly replied, however, that he had received no instructions from home concerning the matter, and that the House resolution did not accord with the original instructions under which he was acting. The French government continued to be or to appear much disquieted, however, until in time a despatch was received from Seward directly dealing with the House resolution. In it he pointed out what was of course quite true, that the House had been merely expressing an opinion on a matter entirely outside of its province for official action. The recognition of Maximilian's government in Mexico was something with which the House, or even both Houses of Congress, had nothing to do. It was purely a function of the President, and he would attend to it in due time. Meanwhile, the President had made no change in the policy already announced and thus far consistently maintained. When he had occasion to do so, he would give the

French government ample notice of the fact. That ended the matter for the time. The danger of war, which radical leaders in Congress had seemed to court, was averted, but France was left free to proceed with the conquest of Mexico.

That conquest was soon effected. Maximilian at first protested that he would not assume the crown until he had been asked to do so by the suffrages of the Mexican people. But he was at last prevailed upon, largely through a combination of Clerical and feminine influences, to do so, and in the summer of 1864 he went to Mexico and began his reign. For a time he seemed to prosper. Personally he was an amiable and high-minded prince, who probably imagined that he had a divine commission to rule the people. The remains of the republican government, of which Benito Juarez was the head, were scattered far and wide. Many Mexicans who were at heart republicans had despaired of the success of their cause and were glad to accept any system which promised a respite from chronic revolution. The picturesque trappings of the imperial court, with the handsome young emperor and empress, pleased the Mexican love of display and ceremony. Above all, the presence of thirty-five thousand veteran French soldiers, under the command of one of the foremost French generals, and backed with all the military and naval resources of the French Empire, gave to the new régime what seemed impregnable prestige. By the spring of the next year the empire appeared to be securely established.

Two shadows rested, however, upon its brilliance, which would not pass away. One was, the unrelenting hostility of Benito Juarez, who, uniting in his marvelous personality all the best qualities of the Indian race to which he belonged and of the European civilization with which he had been in contact, maintained an irrepressible guerilla opposition in the mountains of the North. The other was, that the United States had long before recognized the Juarez government, and still maintained that recognition and declined to transfer it to Maximilian. So matters stood when Appomattox ended our Civil War, and Grant and his victorious army were free to support whatever diplomatic policy the President might adopt. Grant himself and the other chief military leaders were inclined to send the army straight to the Mexican frontier, and summarily to order the

French out of Mexico. Within a few weeks after Appomattox, indeed, Grant did send Sheridan to Texas, with orders to mobilize a powerful force along the Rio Grande, and a little later Schofield was authorized to go to Mexico, to join Juarez, and to organize in his aid a force of former Federal and Confederate soldiers who might be willing to enter the Mexican republican service. Grant also directed Sheridan to supply these troops with American arms.

This aggressive policy, which might and probably would have involved us in a war with France, was not executed. No such force was formed as that which Schofield had been authorized to undertake, and Schofield himself was sent to France instead of to Mexico, on a merely nominal mission. Meanwhile Seward's diplomacy was at work. In the fall of 1865 he informed the French government that while the Mexicans were free to choose their own form of government, the continued presence of a French army in that country, for the coercion of the people, and for the maintenance of an alien monarchy, would not be tolerated by the United States. To this the French government replied with an offer to withdraw the army as soon as the United States would recognize Maximilian as the lawful Emperor of Mexico. Seward retorted with a flat refusal. Thereupon it was announced that the French troops would be gradually withdrawn during the year between November, 1866, and November, 1867. This was regarded as satisfactory by the United States, but when Napoleon attempted to postpone the inevitable by deferring the departure for another year, a prompt and vigorous protest from Seward compelled him to stick to his original undertaking.

Meantime the attitude of the United States was further emphasized by the sending of a minister accredited to the Juarez government, in May, 1866. President Johnson wished to add to the significance of the mission by having General Grant accompany it, but Grant declined, rightly suspecting that the President had some ulterior political motives in wishing to send him out of the country at that time. Sherman was accordingly sent instead. The mission failed to reach Juarez, the French army keeping the latter and his shadowy Government in flight or in the inaccessible recesses of the mountains. The accrediting of

the mission served, however, the salutary purpose of encouraging the republicans of Mexico and of warning the French of the hopelessness of their effort at conquest. As a result, instead of delaying the departure of the troops until the latter part of 1867, as he had intended, Napoleon withdrew them all in the spring of that year, leaving the hapless Maximilian to his fate. That prince might, of course, have made good his escape by accompanying the French troops in their departure, but with a high-minded chivalry which illumined the gloom of those times with a touch of real heroism, he refused to do so. He said that there were many Mexicans who had linked their fate with his own, and that he could not honorably desert them. He had little or no hope of defending himself from the republican attack and maintaining his throne. But he preferred to remain and to perish with his followers, rather than to desert them and to save himself. The event was, that in June he was captured and put to death. Seward used all possible influence for the sparing of his life, but the Mexican republicans were inexorable. In that deplorable tragedy the last serious attempt at European conquest of an American State was extinguished, and Mexico was left to its own devices to be too often a thorn in the side of the United States because of its frequent revolutions.

Simultaneously with these proceedings at the South, important negotiations were in progress at the North. Our early relations with Russian America have already been recounted, in which that territory was restricted to within the present limits of Alaska and the Russian dream of a great American empire was destroyed. Further Russian disappointment was caused by our settlement of the Oregon dispute in a way which gave Great Britain a frontage upon the Pacific and possession of the territory abutting upon Alaska. Finally, when incompetent and corrupt governors made those possessions a source of heavy cost instead of profit to her, Russia resolved to get rid of them. In 1858, Senator Gwin of California informally suggested to the Russian minister at Washington that the United States might be willing to buy Alaska for $5,000,000, but was told that that sum was too small for consideration. In 1864, however, the charter of the Russian American Company in Alaska expired, and the Russian government refused to renew it, and sent

commissioners to wind up the business on the best possible terms.

About this time two American corporations became interested in Alaska. One was the Western Union Telegraph Company, which, despairing of the laying of a transatlantic cable, conceived the scheme of building an overland telegraph line to Europe by way of Alaska and Siberia. It secured the right of way and spent some millions of dollars in surveys and construction, but abandoned the enterprise when at last a successful cable was laid across the Atlantic. Its ambitious venture served, however, to attract much American attention to that corner of the continent. The other corporation was the American Russian Ice Company of San Francisco, which had been organized to import ice from Alaska, but which conceived the scheme of taking over the charter of the Russian company and developing the resources of what it shrewdly perceived to be a rich country. It offered for that privilege a far larger royalty than the Russian company had ever paid, and the Russian government was favorably inclined toward it, and would probably have made a bargain with it had not other influences intervened.

These were supplied by Seward. He was a strong advocate of the extension of American possessions and influences, and he had a prophetic vision of the future greatness of Alaska, far in advance of his time. Moreover, he was moved by various diplomatic considerations. He realized that to be consistent with the policy which had been established by Jefferson, Adams, Monroe, and others, in respect to Louisiana, Florida, and Cuba, the United States must not only forbid the transfer of Alaska by Russia to any other European power but must also stand ready to take that territory itself if Russia wished to get rid of it. He believed, also, that Russia had been sincerely friendly to the United States during the Civil War, and he wished to show his appreciation of that friendliness by purchasing the territory if Russia wished to sell it. Probably he also felt enough resentment toward Great Britain for her attitude during the war to be willing to take a step which would not be altogether pleasing to her, since it would prevent any possibility of her ever acquiring Alaska for herself, as she had been trying to do through the Hudson Bay Company.

Seward therefore entered into negotiations with the Russian minister at Washington, Baron Stoeckl, for the purchase of Alaska. The latter was much impressed by the proposal, and went home to St. Petersburg to discuss it directly with his Government. In March, 1867, he returned to Washington, with full authority to proceed with the negotiations, and on March 22 Seward made him the specific offer of $7,200,000 for the territory, provided it could be conveyed to this country free and clear of all debts, concessions, and incumbrances of any kind. This offer was reported by Stoeckl to the czar, the Atlantic cable being then in operation for the expedition of such communications, and two days later he received an encouraging response. On the evening of March 29 a definite acceptance came from St. Petersburg. Stoeckl at once reported this to Seward, the two spent much of the night in completing the draft of the treaty, and at four o'clock the next morning it was signed and was ready for transmission to the Senate, by which it was duly ratified on April 9 following by a vote of 37 to 2.

Seldom has any treaty of anything like comparable importance been negotiated so easily and expeditiously as was this. Protocols, despatches, and what not were conspicuous for their absence. There was no hitch nor disagreement at any point. The explanation was, of course, that both parties wanted to make the bargain. The ratification of the treaty was also effected quickly and easily, by an almost unanimous vote. In the House of Representatives there was a little controversy over the old question of the obligation of that body to vote supplies for fulfilling a treaty when it had no voice in the making of it. After discussing the matter for some weeks the House passed a bill declaring that it was necessary for its consent to be given to the treaty before it could have full force and effect, and that "the assent of Congress is hereby given to the stipulations of said treaty." This was practically an arrogation by the House of a share in the treaty-making power, to which the Senate objected. The bill was sent to a conference committee, and was modified so as simply to recite in the preamble that the stipulations of the treaty could not be carried into full force and effect except by legislation to which the consent of both Houses was necessary—an indisputable statement of fact, without any

attribution of treaty-making power to the House of Representatives, but merely a recognition of the circumstances that the treaty called for an appropriation of money for the complete fulfilment of its terms, which would have to be made by both Houses of Congress.

There was much speculation, in America and in Europe, upon the motives for Russia's sale of the territory, most of which was vain if not actually fantastic. Sumner, the chairman of the senate committee on foreign relations, seemed to suspect that Russia had in view the humbling of Great Britain, as Napoleon had in selling us Louisiana; and Clay, our minister at St. Petersburg, shared the same notion, with the addition that Russia hoped thus to open the way for our acquisition of British Columbia and the exclusion of Great Britain from any frontage on the Pacific. Seward also seemed to entertain this idea, and went so far as to cherish the hope that the acquisition of Alaska by the United States would hasten what he regarded as the inevitable annexation of British Columbia and all of Canada by this country. These ideas had, however, no better ground than imagination. The only remarkable circumstance about the case was that it was the first alienation of territory to which Russia had ever assented. That empire had long been the greatest land-grabbing power of the world, and had never before manifested willingness to part with even the smallest portion of its domain. But the circumstances which we have already recounted, in the unprofitableness of Alaska, and the hopelessness of any imperial designs on the American continent, are ample explanation of Russia's course. If more were needed it would be found in the practical certainty that Alaska would be taken from her by Great Britain in the next war that might occur between the two countries. Or if the United States objected to such conquest, the territory would have to be alienated to it instead of to Great Britain, and in either case would be lost to Russia.

Encouraged by the success of this fine achievement, Seward essayed another acquisition of territory from another European power in America. All through the Civil War the United States navy had keenly felt the need of a naval coaling, supply, and repair station in the Caribbean Sea, and at the beginning of

1865 Seward sounded the Danish minister at Washington as to his Government's willingness to sell the three small islands of St. Thomas, St. John, and Santa Cruz. The minister, General Raasloff, was personally opposed to such a transaction, and presently received word from Copenhagen that the suggestion was unwelcome. In December of the same year, however, Seward renewed his overtures. A new ministry was by this time in office at Copenhagen and it was less hostile to the scheme than its predecessor had been. It replied that it had no desire to sell the islands, but that it was willing to consider the matter and would be glad to know how much the United States would pay for them. Seward thereupon personally visited the islands, and had the secretary of war send an officer thither to examine and appraise them. As a result of these investigations he presently made to General Raasloff the specific offer of $5,000,000 in gold for the three islands; subject, of course, to the approval of the Senate.

General Raasloff then returned home to become minister of war, and negotiations for the islands were continued at Copenhagen by him and by Count Friis, the Danish foreign minister, and by Mr. Yeamans, the American minister there. Despite several despatches from Seward urging haste and even demanding an immediate reply to his offer, the Danish government delayed the matter for months. It hesitated partly on grounds of sentiment and partly because of the adverse influences of other European powers, which did not wish the United States to gain so important a footing in the West Indies near their possessions. There was also much doubt as to the right of Denmark to sell Santa Cruz at all, for the reason that it had once belonged to France and had been ceded to Denmark on the condition that Denmark would never cede it to any other power without the consent of France. That was away back in 1733, and some held that the agreement had lapsed, but the Danish government insisted that the assent of France must be secured before the sale could be made.

At last in the spring of 1867 the Danish government made a counter offer to sell all three islands for $15,000,000, or the two of them for $10,000,000 if France refused her assent to the sale of Santa Cruz; the treaty to be ratified by the Danish Parlia-

ment and also by the vote of the people of the islands. To this Seward replied with an offer of $7,500,000 for the three islands. He would not agree to the plebiscite, but would give the people two years in which to depart from the islands if they did not wish to become American citizens. He also demanded that the treaty should be ratified in Denmark before it was at Washington. The Danes replied that the plebiscite was indispensable; but they were willing to take $7,500,000 for St. Thomas and St. John and half that amount for Santa Cruz if France would let them sell that island. Seward replied accepting the terms for the two islands, but positively refusing to permit the plebiscite to be mentioned in the treaty, though he had no objection to its being taken without being thus mentioned. Finally, after some further correspondence, on October 5, 1867, Seward authorized Yeamans to close the matter, giving $7,500,000 for the two islands of St. Thomas and St. John, assenting to the plebiscite, and providing for the admission of all inhabitants who desired it into American citizenship. A convention to that effect was made at Copenhagen on October 24. When this was made known, the Russian minister at that capital congratulated Yeamans; the French minister said nothing; the British minister cordially congratulated him and jestingly asked if the United States was going to purchase the other Danish Islands of Iceland and Greenland; the Spanish minister congratulated Yeamans on his success but declared that neither he personally nor his Government was pleased with it; and the Prussian minister remarked that it looked as though the United States expected soon to need naval facilities in the Caribbean. These utterances sufficiently indicated the attitude of the European powers toward the transaction.

The plebiscite was taken in the islands on January 9, 1868, and was overwhelmingly favorable to the transfer. In St. Thomas the vote was 1,039 yeas to 22 nays, and in St. John 205 yeas to no nays. Soon afterward the treaty was ratified by the Danish Parliament. But in our Senate the matter was delayed. The country had indeed suffered a reaction from its former expansionist fever. Some people were foolishly saying that in buying Alaska we had wasted money on an iceberg, and it was charged that the purchase of the Danish islands would

be similarly profligate. The acute need of the islands was no longer felt, since the ending of the war. There was no tradition, either, about Denmark's having been friendly to us during the war. But above all, there was in the Senate an intense political opposition to the administration and to all its works; the same spirit that culminated in the malign attempt first to deprive the President of his constitutional powers and then to impeach him. Chiefly on the basis of political rancor, therefore, the Senate treated the scheme with studied contumely, refusing to let it be voted upon at all. Congress finally adjourned without taking any action upon the matter, and Seward negotiated an agreement with Denmark extending for a year the time within which ratification might be secured. By a subsequent agreement, made by Seward's successor, Hamilton Fish, a second extension was granted, until April 14, 1870. But the Senate was inexorable in its opposition, and the time expired and with it the treaty. The best judgment of the country was that the Senate greatly erred, and that the acquisition of St. Thomas would have been a highly commendable and profitable achievement. Happily, Denmark took no serious offense at the discourteous disposition of her treaty, and generously refrained from embarrassing this country by offering to sell the islands to some other power. Had she done so, the United States would have been placed in an awkward predicament, which would have compelled it either to repudiate one of its oldest and most salutary principles of foreign policy, or to have reversed the hostile action of the Senate, or rather its nonaction, upon the treaty.

The course of subsequent events may here be anticipated by recording that in November, 1892, the Danish government informally intimated to Mr. Carr, the American minister at Copenhagen, that it would favorably consider a proposal from the United States to reopen the negotiations which had lapsed so many years before. Benjamin Harrison was then President and John W. Foster was secretary of state. Both of those gentlemen recognized the value of the islands and the high desirability of acquiring them. But Harrison's term was nearing its end, the policy of his successor-elect, Grover Cleveland, was understood to be strongly opposed to annexation, and there was

not time to effect the transaction before the change of administration. Foster therefore replied, with regret, that it would be impracticable to take the matter up at that time. Again, in 1896, near the end of Cleveland's administration, similar overtures were made by Denmark, but the American government showed itself to be irresponsive. With the incoming of the McKinley administration at Washington, however, the attitude of the Government underwent a radical change, and expansionist ideas prevailed, in accordance with the almost uniform policy of former years. In consequence, in January, 1902, John Hay, the secretary of state, and Brun, the Danish minister at Washington, signed a treaty for the sale of all three islands to the United States for the sum of $5,000,000. This treaty was ratified by the Senate on February 17, 1902, and was approved by the lower house of the Danish Parliament, but in the upper house it failed of passage, on October 21 of that year, the vote upon it being a tie. This result was deeply regretted in this country, and by the people of the islands, as also by many in Denmark. The episode, however, left the United States in a much better position than it had occupied between 1868 and 1902, for it left the responsibility of nonannexation with Denmark. During the years named the United States had been in the exceedingly awkward position of the proverbial "dog in the manger." It was committed to the policy of forbidding Denmark to transfer the islands to any other power, and yet it refused to take them itself, even when Denmark desired it to do so and the people of the islands most unanimously requested it. That was a position which would have been perfectly untenable if Denmark had cared to put it to the test, and it was a fortunate thing for the United States to escape from it, even though it had to do so in the temporary loss of the islands.

Almost concurrently with the earlier of these Danish negotiations there arose a scheme for the annexation of a much larger territory in the same general region. The Island of Santo Domingo, the second of the West Indies in size, had long been in a disordered and revolutionary condition. It was divided between the Negro republic of Haiti and the Dominican Republic of mixed race, and most of the time the two were either bickering with each other or indulging in intestine revolutions.

In 1868 Baez, the President of the Dominican Republic, commonly called Santo Domingo, made overtures to the United States for the establishment of a protectorate over that country, as a preliminary step to its annexation. This was done through his minister at Washington, Felix Delmonte. It was pointed out that the disturbed condition of the country was ruining its industries and destroying its credit, and that the only hope of reform was in such a step as that proposed. Baez therefore suggested that the United States should at once take military possession of Samana Bay and other strategic points, so as to control the country; adding that the people would almost unanimously welcome such a step. Seward was not at all averse to acquisition of the country, and indeed of the whole island. Of the great value of it there could be no question. But there were some serious obstacles in the way, which had to be carefully considered. One was the notorious fact that Baez, though nominally president, was really an arbitrary dictator, who had no constitutional right to speak for the Dominican people. Whatever might be the sentiment of the people, it had not been made authoritatively known, and there was no assurance that it could be, in the then existing state of the island. In such circumstances, Seward pointed out, for the United States to take possession of parts of the country and to proclaim a protectorate would be an act of war, which would require in advance the sanction of Congress. Moreover, the annexation which would be effected in consequence of that action would be military conquest, and not a transaction by the consent of the people and Government of the country. To such procedure the United States was strongly disinclined, and it was probable that Congress would accept no other annexation than that sanctioned by the people in a constitutional manner.

In his message of December 9, 1868, President Johnson wrote that comprehensive national policy seemed to sanction the acquisition and incorporation into the Federal Union of the several adjacent continental and insular communities as speedily as it could be done peacefully, lawfully, and without any violation of national justice, faith, or honor. Foreign possession or control of them had hindered the growth and impaired the influence of the United States, and chronic revolution and anarchy would

be equally injurious, while the establishment of them as independent republics, or their incorporation into the United States, would increase our strength and power. In Haiti and Santo Domingo it would soon be necessary for us to intervene with effective aid for the solution of the political and social problems which vexed those republics. He therefore commended the subject to the earnest consideration of Congress, more particularly because he was satisfied that the time had arrived when the annexation of the entire island of Haiti or Santo Domingo would receive the consent of the people thereof and would give satisfaction to the nations of the world. It will be noted that in this message for the first time it was proposed to receive outlying possessions into statehood in the Federal Union; something which had been inexorably refused in the case of Hawaii. The President argued at some length that increased means of intercommunication had made this practicable and permissible, but the argument was not convincing.

A few weeks later, in January, 1869, a confidential messenger came to Seward from Santo Domingo with a proposal—indeed, an urgent request—for immediate and direct annexation, waiving all preliminary stipulations, and entrusting the unhappy republic to the discretion and friendship of the United States, to do with it what seemed good. Seward imparted this information to Nathaniel P. Banks, a representative from Massachusetts, and a little later Godlove S. Orth, from Indiana, introduced a resolution providing for the annexation of the Dominican Republic, on the application of its Government and people, as territory of the United States, with a view to its ultimate erection into statehood. Thus the precedent of Texan annexation, by congressional resolution instead of by treaty, was again invoked. The fatal error was, however, in injecting the promise of statehood. There were many in Congress who favored annexation, but who were irrevocably committed to the wise and prudent principle, long before established, of regarding no detached and outlying territory as fit subject for admission into the Federal Union of Sovereign States. There were also many who were opposed to annexation in any form, either on principle or because of political animosity toward the administration. On motion of William S. Holman of Indiana, therefore,

the resolution was laid upon the table by the decisive vote of 110 to 63.

That was at the end of the Johnson administration, and also of Seward's distinguished career in the state department. Grant succeeded as President and Hamilton Fish as secretary of state. Grant was strongly impressed with the desirability of renewing the Dominican annexation project, and accordingly at once sent one of his private secretaries, General O. E. Babcock, to that island on a confidential mission to ascertain its condition, its prospects, its resources, and the disposition of its people. Babcock went in July, 1869, without any specific authorization to negotiate a treaty. But on September 4 he made with the Dominican secretary of state a written agreement or protocol, which was to serve as a basis for a treaty of annexation. He came home with this, and with a report strongly in favor of annexation. Grant at once sent him back, with instructions to make a treaty for the immediate leasing of Samana Bay and for the ultimate annexation of the republic to the United States. This was done, and Grant sent the treaty to the Senate with the strongest possible recommendations for its ratification. The acquisition of Santo Domingo, he held, would not only rescue that country, and Haiti as well, from deplorable misgovernment; it would assure the abolition of slavery in all the West India Islands, aid in the restoration of our merchant marine, give us a commanding place in the West Indies, and confirm the Monroe Doctrine in the most practical manner. It is probable that in some respects he overestimated the importance of the step, but there is no question that most of the good results which he anticipated would have been secured, and that the acquisition of Santo Domingo would have been greatly for the benefit of this country and of the world. Unfortunately, there was a faction in the Senate bitterly hostile to Grant on political grounds, and through its opposition the treaty failed of ratification.

Grant would not, however, relinquish the scheme. In his next message he earnestly recommended that Congress should send a competent and authoritative commission to investigate the value of Santo Domingo, and that if its report were favorable steps should be taken to annex the country by joint resolution,

as was done in the case of Texas. This recommendation was adopted, and Benjamin F. Wade, formerly one of the most eminent United States senators, Andrew D. White, afterward president of Cornell University and minister to Russia and ambassador to Germany, and Dr. S. G. Howe, a distinguished educator and philanthropist, were named as the commission. So intense was the factional hostility to Grant, however, that it was with difficulty that the authorization of this commission was agreed to by the Senate, while in the House it was refused outright until a proviso was attached to the effect that nothing in that action should be construed as committing Congress to the policy of annexation. Grant doubtless realized the hopelessness of the case, but he sent the commission in order that the accuracy of his statements concerning Santo Domingo and the wisdom of his policy might be confirmed by the highest possible and most disinterested authority. In this design he was successful. The three distinguished commissioners spent much time in the island and made a singularly searching and impartial investigation of all its conditions and circumstances, and as a result made a report sustaining Grant in all respects in the strongest possible manner.

In transmitting this report to Congress the President recognized the probability that it would prove fruitless and that his proposals for the acquisition of Santo Domingo would be rejected. He made, however, a dignified and impressive protest, implied rather than direct, against the violence of personal rancor which was manifested toward him, and particularly against the sacrificing of momentous national interests to the gratification of factional ambition or individual spite. He rightly declared the report of the commission to be a complete vindication of the purity of the motives of himself and his agents in the late negotiations, and he concluded by saying that as his duty was done, that of Congress was beginning, and that he gladly handed over the whole matter to the judgment of the American people and their representatives. Of course Congress refused to act favorably upon the report, and the whole matter was dropped, to the almost immeasurable loss of this country and detriment of its insular neighbor.

Following close upon these things came serious trouble over

Cuba, and war with Spain was narrowly averted. In 1868 there began the Ten Years' War in that island, in which a determined and almost successful attempt was made to expel the Spanish power and establish an independent republic. American sympathies were overwhelmingly on the side of the insurgents, filibustering was largely resorted to in their behalf, and arms and ammunition were shipped to them, despite the sincere efforts of the Government to maintain the neutrality laws. The Spanish authorities adopted vigorous measures for the prevention of such traffic and carried them so far as to provoke from the United States government a determined expression of policy and practice. At the direction of the President the secretary of state made to the secretary of the navy, on May 18, 1869, the following apt suggestions concerning our attitude toward the Cuban troubles: "These hostilities must be regarded as strictly of a domestic character. As such they cannot impart to Spain, under the public law or our treaties with her, any belligerent rights on the high seas, nor have we recognized such rights anywhere as possessed by those who are in arms against Spanish authority in that island. The right of search for contraband is a right to be exercised against a public enemy only on the high seas. It cannot there be lawfully exercised against a neutral who has not recognized both parties as belligerents. If, therefore, the commanders of our men-of-war should ascertain that a vessel of the United States is about to be searched on the high seas by a Spanish vessel, they may be authorized to resist such search with all the force at their disposal. If, also, they should fall in with a vessel of the United States which has been captured by a Spaniard on the high seas on the ground of being a carrier of contraband, or on any other pretext involving a claim to belligerent rights in that quarter, they may be authorized to recapture the prize if they should feel competent for that purpose."

At an early date in the war the insurgents organized a system of government and asked for recognition as belligerents. Grant's sympathies were naturally with them, and he was further influenced by the counsel and indeed the earnest urgings of his most trusted friend and adviser, General Rawlins. In consequence he prepared on August 19, 1869, a proclamation

recognizing the insurgents as belligerents, the result of which would have been to legalize the shipment of arms to them. It was necessary, however, for the secretary of state to sign, seal, and publish this document, and Fish declined to do so. He perceived that the President had been betrayed by his sympathies into making a grave mistake. The conditions existing in Cuba at that time would not warrant any such act of recognition, and certainly the President's proclamation would stultify the vehement protests which this country had made only a few years before against recognition of the Confederacy, which of course was immeasurably more entitled to it than the so-called Cuban Republic. So he put the proclamation into a pigeon-hole and said no more about it. Grant apparently himself realized that he had been too precipitate, and made no further reference to the matter, excepting to thank Fish, some months later, for having suppressed the proclamation.

Agitation in favor of the insurgents continued and increased, both in Congress and in the country at large, and was much intensified by the undoubted cruelties and atrocities which the Spanish troops committed in trying to suppress the rebellion, and still more by the annoyances and losses to which Americans and American commerce were put. It was also recalled that Spain had been prompt to recognize the Confederacy as a belligerent power, and it was suggested that recognition of the Cuban insurgents would be only fair retaliation upon her. Against all this Fish set himself resolutely, and finally he succeeded in convincing the President that the insurgents were unworthy of recognition. In consequence, in his annual message in December, 1869, less than four months after his indiscreet attempt at recognition, Grant declared that "the contest has at no time assumed the conditions which amount to a war in the sense of international war, or which would show the existence of a political organization of the insurgents sufficient to justify a recognition of belligerency." He added that "the principle is to be maintained, however, that this nation is its own judge when to accord the rights of belligerency, either to a people struggling to free themselves from a government they believed to be oppressive, or to independent nations at war with each other." Thereafter the attitude of our Government toward the

rebellion was entirely regular; indefatigable in endeavoring to prevent violations of neutrality, and patient to an extreme in enduring the hardships which the Spanish authorities put upon Americans.

A crisis occurred in the fall of 1873. There was a small side-wheel steamer called the *Virginius,* which had been active in running the Spanish blockade of the Cuban coast and in conveying reinforcements and contraband supplies to the insurgents. She was commanded by Captain Frey, an American and a veteran of the Civil War, was manned by American and British sailors, and flew the American flag. For some time the Spanish had been on the alert to capture this vessel, and on October 31, 1873, their gunboat *Tornado* overhauled her off the south coast of Cuba, where a landing with men and arms had been vainly attempted. The *Virginius* tried to escape to British waters at Jamaica, but in vain. The *Tornado* took her, with 170 passengers and crew, not one of whom escaped. The vessel was taken to Santiago de Cuba, and all the passengers and crew were imprisoned. Soon afterward fifty-three of the men, including the captain and seven other Americans, were condemned by court-martial and were shot to death, while most of the others were sentenced to imprisonment. This was done despite the protests and demands for delay which were made by both the American and British consuls; sixteen of the victims being British subjects.

At this, American passion flamed high, and there were fierce demands for reprisals and for war. The President and secretary of state kept their heads, however, and acted with discretion though with resolute firmness. An immediate demand for reparation was made upon the Spanish government, which it did not greatly hesitate to grant. Indeed, it seems probable that it had not authorized but strongly disapproved the summary action of its representatives in Cuba. The latter were irreconcilable, and were with difficulty restrained from putting to death all the survivors of the *Virginius.* It is indeed probable that they would all have been butchered had not a British ship, the *Niobe,* commanded by Sir Lambton Lorraine, hastened to Santiago. Learning of the slaughter of fifty-three of the men and the danger that the others would share their fate, he told the Spanish

commander that there must be no more executions. The Spaniard protested that it was no affair of Sir Lambton's, as there were no British subjects among the men, but only Americans. That was false, for there were several more Englishmen, besides those who had been killed, but Sir Lambton did not know it. That, however, made no difference, Sir Lambton declared, and he renewed his prohibition of further executions. The Spaniard retorted that he took his orders from the Captain-General of Cuba and not from the British government. At that Sir Lambton called his attention to the fact that the *Niobe* lay in the harbor, with her guns double shotted and trained upon the city, and that the killing of another of the men would be the signal for laying the place in ruins. That was his ultimatum, and it was effective. Not another man was injured.

Meantime the Madrid government listened to reason, and on November 29 it agreed to return the *Virginius* and the surviving members of her company to the United States, and to punish suitably all Spanish officials who had committed unlawful acts in the case. Thus the incident was closed without war, an achievement for which Fish received and deserved much credit. His success was the more noteworthy for the reason that the American case against Spain was chiefly based upon what was really untenable ground. The chief complaint was that an outrage had been perpetrated upon the American flag. But as a matter of fact the *Virginius* had no right to display that flag, since she had obtained her registry through fraud and perjury, and was therefore little better than a pirate.

There were no further serious complications over Cuba during Grant's administration, and a year after its close, in 1878, the insurrection subsided, not to be renewed until many years later, when the final revolt against Spain occurred, involving American intervention and some of the most important foreign operations of our recent history.

To complete the record of our attempts at annexation of various American territories, or the offers of such annexation to us, several minor incidents may be recalled. Away back in 1822 San Salvador, then a sovereign State of the federal Republic of Guatemala, by decree of its Congress, offered itself to the United States, to be admitted as a State of this Union. This action was

taken in order to avoid the menace of Mexican conquest under the ephemeral Emperor Iturbide. Commissioners were sent to Washington to negotiate a treaty, but meanwhile Iturbide was overthrown and the scheme was thereupon abandoned.

The Mexican province of Yucatan, the cradle of Maya civilization, made an offer of itself in 1848, in order to gain relief from Indian wars. Similar offers were at the same time made to Great Britain and to Spain. President Polk was favorably inclined toward the proposal, and urged the enactment of a bill, which was introduced, authorizing him to take military possession of Yucatan, temporarily, on grounds both of humanity and of national policy. But word came that the Indian troubles had been settled, and the bill was dropped. In 1856 an attempt was made by this country to lease or to purchase from New Granada, or Colombia, the five islands of Taboga, Flamingo, Ilenao, Perico, and Culebra, in the Bay of Panama, for the facilitation and protection of our commerce and travel by way of the isthmus, but the Government of New Granada declined all offers to that end.

In connection with Santo Domingo it is to be recalled that in 1854 Captain (afterwards General) George B. McClellan was sent by the President to investigate the value of Samana Bay as a naval station for the United States, and that as a result of his favorable report a treaty was sought by this country, providing for the lease of a portion of that bay for a coaling station. The Dominicans, however, seemed to fear some ulterior designs against their independence, and declined to grant such privileges. A similar lease, entirely apart from the scheme of annexation, was sought by Seward in 1866 and 1867, but was not secured. In the last named year George Bancroft, while on his way to Berlin as American minister there, was instructed to call at Madrid and to sound the Spanish government on the subject of ceding to us the two small islets of Culebra and Culebrita, adjoining Porto Rico, for a naval station, but the reception of his overtures was so hostile that the matter was summarily dropped. During the Civil War a lease of the harbor of St. Nicholas, in Haiti, was secured by this country for a naval station. In 1882 and again in 1884 the Haitian government proposed a permanent cession of it, but the offers were declined.

In 1891 our own Government, however, sought such a concession, only to find the Haitian government unfavorably disposed toward it.

Mention must also be made of the so-called Guano Islands, of which Americans have from time to time taken possession in great numbers. In 1856 Congress enacted a law providing that whenever an American citizen should discover a deposit of guano on any island, rock, or key not within the lawful jurisdiction of any other Government and not occupied by the citizens or subjects of any other, and should take peaceable possession of it, such island should, at the discretion of the President, be regarded as appertaining to the sovereignty of the United States. Under this law possession was taken of a large number of islands, in the Caribbean Sea and in the Pacific Ocean. Some of these have been held permanently, while others were abandoned as soon as the deposits of guano were exhausted. Concerning some of them controversies arose with other nations. Thus Alta Vela was claimed by Santo Domingo, Arcas and Arenas by Mexico, Aves by Venezuela, Cayo Verde by Great Britain, the Lobos Islands by Peru, Navassa by Haiti, Quito Sereno by Colombia, Serrano Keys by Honduras, and Vivorilla Key by Nicaragua. In the Pacific Ocean several such islands, including Christmas, Fanning, Starbuck, and others, were taken by the United States, held for some years, and then abandoned, whereupon they were appropriated by Great Britain.

XXIV

BRITISH RELATIONS

THE tension in American relations with Great Britain which had prevailed during most of the Civil War was little abated at the conclusion of that struggle. In some respects indeed it was intensified. Many Englishmen had invested large sums in Confederate securities, which were now rendered worthless, and this embittered them against the triumphant Federal Government. Many Confederates removed to England rather than return to the jurisdiction of the United States, and they bore with them their enmity toward this country. Nor was more aggressive marplotry lacking. An Irish revolutionary organization known as the Fenian Brotherhood was formed, with headquarters in New York. Its avowed object was to make Ireland an independent republic, but its more or less concealed purpose was to effect that end through using the United States as a base of violent operations against England and through this embroiling this country in a war with the United Kingdom. This design was much promoted by the resentment which was felt against Great Britain for her conduct during the war, and the Irish adventurers received much popular support, in both sympathy and money. This movement culminated in 1866 in an armed raid by the Fenians from New York State and Vermont across the border into Canada, for purposes of destruction and loot. The marauders were quickly driven back again, and then were compelled by the American authorities to disband and to disperse to their homes. But the incident, trivial in itself, considerably embittered the ill-feeling between the two countries.

There were not wanting, indeed, those high in place and influence who publicly urged that the Fenians should be recognized as belligerents, and should be permitted to fit out in American ports privateers to prey upon British commerce. These preposterous counsels were happily not adopted, but the House of Representatives did go so far as to pass unanimously an astound-

ing amendment to the neutrality law which, if enacted, would have permitted warships and military expeditions to be fitted out in this country against friendly powers with which we were at peace. When war broke out between Great Britain and Abyssinia one of the foremost members of the Senate—Zachariah Chandler—offered a resolution recognizing the possession by Abyssinia of all the belligerent rights which Great Britain had accorded to the Confederacy. No sense of humor was sufficient to save Anglophobes from the folly of trying to accord maritime privileges to an inland State!

Meantime it was recognized on both sides that there were diplomatic questions of the greatest possible moment which must at some time be settled between the two countries. As early as October, 1863, Adams at London assured Russell that there was no equitable form of arbitration to which the United States would not be willing to submit her claims against England for breaches of neutrality. Two years later, after the end of the war, Russell specifically refused to consider submitting the question of the *Alabama* and her ravages to arbitration, on the ground that the law officers of the British crown were the supreme interpreters of the British neutrality law. His Government was ready, however, he added, to consent to the appointment of a commission to which should be referred the general question of claims arising out of the war, no claim to be submitted to it, however, without the assent of the Government. That meant, of course, that the commission if appointed would not be permitted to discuss the *Alabama;* an attitude which was regarded even in England as a regrettable mistake on Russell's part, and which had here the effect of provoking Seward to refuse the suggestion of a commission and to declare that there would be no waiver or abandonment of the full measure of our claims on account of the *Alabama.*

A little later Russell retired from the foreign secretaryship and was succeeded by Lord Stanley, who was somewhat more favorably inclined toward an amicable adjustment of the differences between the nations. In November, 1866, the new prime minister, Lord Derby, publicly announced that the British government would be willing to enter into negotiations for the settlement of the *Alabama* claims, and in January following the

British minister at Washington was instructed to inform Seward that arbitration of those claims would be accepted. The question of premature recognition of Confederate belligerency could, however, not be thus submitted, since, according to the publicly proclaimed principles of the United States itself, every State must be a law unto itself in judging of that matter. Seward declined to accept arbitration, unless that question of premature recognition could be included, insisting that the British recognition of the Confederacy had been without justification and without warrant either in treaties or in the law of nations. At the same time he made it clear that the United States did not demand any pecuniary indemnity from Great Britain on account of the *Alabama*, excepting, of course, for individual sufferers; but merely vindication of the principles of neutrality. A little later he directed Adams to call British attention to certain other matters of difference, any one of which might "at any moment become a subject of exciting controversy." Chief among these were the question of naturalization, and the trial and conviction at Dublin for "treason-felony" of certain American citizens of Irish birth who had been concerned in the Fenian business. Seward suggested that the best way to lay a broad foundation for friendly relations between the two countries would be to have a conference at which all the matters in dispute might be dispassionately considered.

Adams, after a career of singular distinction and usefulness, resigned his place as minister to Great Britian in December, 1867, and retired from it in the following May. He was succeeded by Reverdy Johnson, an eminent jurist and accomplished diplomat, who promptly took up the matters on which Adams had been engaged. Acting under Seward's instructions he considered first the question of naturalization, in which the United States was contending for the principle of voluntary expatriation. A treaty had just been concluded with the North German Union, on February 22, 1868, under which the naturalization of German subjects in America, after an uninterrupted residence of five years, was recognized, regardless of the assent or dissent of the German government at their original expatriation. and this greatly strengthened the demand that England should recognize the same sane principle. So important did Seward

regard this that he declared the consideration of it to be a *sine qua non* to everything else. The second demand was for adjudication of the boundary between Oregon and British Columbia, known as the San Juan water boundary. The third was the matter of claims arising from the Civil War.

Johnson reached England in August, 1866, and entered upon his task to so good effect that on October 9 following he and Stanley were able to sign a protocol on the subject of naturalization; on October 17 one on the San Juan boundary; and on November 10 one on the war claims. Seward objected to the last named, because it provided for the sitting of the conference at London instead of Washington, and because it discriminated between the *Alabama* claims and others in the method of determination. Johnson took these points up with Lord Clarendon, who had succeeded Stanley, and on January 14, 1869, signed a new convention in accordance with Seward's instructions, under which all claims were to be treated alike. On the same day a treaty was signed submitting the San Juan boundary dispute to the arbitration of the President of the Swiss Confederation.

The President and the secretary of state were much pleased with the Johnson-Clarendon claims convention, and were confident that if it were ratified and executed this country would recover every dollar justly due to it for indemnity for injuries received during the war through British breaches of neutrality. But it was not to be ratified. Seward promptly perceived this. There were two reasons. One was the hateful spirit of faction, which was just then raging at a pitch unknown since the days of the elder Adams, seventy years before. Nothing that President Johnson and his associates could do would be acceptable to his political foes, who were in full control of Congress. The other was the demand for "national" or "indirect" claims, which had arisen in the United States and which was being passionately urged by some of the leading public men. Charles Sumner was perhaps foremost in this extreme demand. A man of spotless integrity—"the whitest soul I ever knew," as one eulogist not extravagantly described him—and of commanding ability, he was also intemperate in his prejudices and passions, and was possessed of an excessive self-esteem. He took the perfectly untenable ground that the British government should be

held accountable for all the indirect as well as direct losses which the United States had suffered because of her conduct in the Civil War; and because the Johnson-Clarendon convention did not provide for such a demand, he marshaled the Senate against it. Being at that time the chairman of the committee on foreign affairs, his influence was great, and he compassed the rejection of the treaty by a vote of 44 against it to only 1 in its favor. That was on April 13, 1869, a few weeks after the incoming of the administration of President Grant. Reverdy Johnson had meantime resigned his mission to Great Britain on March 29, after proposing to Clarendon a modification of the treaty which would permit either Government as well as its citizens to present any claims to the commission, even the "indirect" claims for which Sumner was clamoring.

It seems doubtful that the British government would have agreed to this in any case. But the publication of Sumner's speech on the subject and against the Johnson-Clarendon treaty made it certain that it would not do so. Although that speech was made in an executive session of the Senate, and was thus supposed to be private and confidential, Sumner and his friends had the secrecy removed and the speech made public. The result was mischievous. American expectations of the ultimate award were expanded to an impossible degree, and British suspicions and antagonisms were similarly exaggerated. Sumner had suggested that the conduct of Great Britain had doubled the length of the war, and that that country was therefore equitably liable for half the cost of the war, or at least two billion dollars. The sentiment arose in England that if such was to be the American demand, the conference was doomed to failure in advance. Moreover, an unfortunate choice was made of a minister to conduct the negotiations in London. The minister was John Lothrop Motley, the historian, a man of the highest character and ability, but so close a friend of Sumner's as to be under the influence of the latter rather than of Fish, the secretary of state. With the best intentions in the world, Motley was unconsciously led to reflect the extreme views of Sumner rather than the decidedly different and more conciliatory instructions of Fish, and also to discuss the matter from the historical rather than from the diplomatic point of view. He

suggested that "the contingencies of war and peace" were involved, he confessed that he had a "despondent feeling" as to the "possibility of the two nations ever understanding each other," and he described the British proclamation recognizing Confederate belligerency as "the fountain head of the disasters which had been caused to the American people, both individually and collectively." An enterprise thus voiced was obviously doomed to failure; as this was. When Grant learned of it, he asked Fish to withdraw the maladroit envoy. Fish did not do so for a year, however, meanwhile announcing after the rejection of the Johnson-Clarendon treaty that new negotiations on the subject would be conducted in Washington rather than London. Fish's judicious idea was, as he told the President, that passions on both sides of the ocean were then at too high a pitch to permit successful negotiations, and that there must be some delay, to permit them to subside.

In the summer of 1869 Sir John Rose, a member of the Canadian cabinet and a British commissioner for the settlement of the Hudson Bay Company's claims in Oregon, visited Washington nominally to seek some commercial arrangements between this country and Canada, but in fact as a confidential agent of the British government to see what could be done toward settling the *Alabama* claims. He suggested to Fish that the Duke of Argyll and William E. Forster, two of the most valued friends of America in Great Britain, might come over as special envoys to negotiate a settlement. Fish repeated the opinion, however, that it would be necessary to wait until public and official opinion was in a more temperate state; and until British irritation at Sumner's speech had been allayed and Americans had abandoned their dream of making England pay half the expense of the war. He then outlined to Sir John the exact plan of negotiation which was successfully adopted a year and a half later.

Negotiations proceeded fitfully and to no purpose until January, 1871, when Sir John Rose again visited Washington and had an important and confidential conference with Fish, and memoranda were exchanged between them, with what Fish described as a hopeful result. Indeed, matters proceeded so far as to make it timely to consider a draft of a treaty. With this in

view Fish called upon Sumner, who as chairman of the senate committee on foreign relations would have the fate of the treaty in his hands, to consult with him concerning the terms which would be acceptable to the Senate. In reply, Sumner gave him a memorandum prescribing British relinquishment of Canada and all other American possessions, and the complete withdrawal of the British flag from the Western Hemisphere, as essential conditions of a settlement. This amazing extravaganza was reported by Fish to Rose, but was of course not insisted upon by him. Instead, Fish was convinced that the settlement would have to be made against the opposition of Sumner, and he therefore conferred with other prominent senators, of more reasonable disposition, and secured from them encouraging assurances of support.

The result of twenty months of secret diplomacy appeared in February, 1871, when Fish and Sir Edward Thornton, the British minister at Washington, exchanged notes agreeing to the submission of all claims, including those relating to the *Alabama*, to an international joint high commission, consisting of five commissioners on each side. On February 9, the President sent to the Senate the names of the five Americans, all of whom were confirmed, and on February 27 the commission was organized at Washington. The American members were: Hamilton Fish, secretary of state, and a worthy successor to the greatest men who had formerly filled that office; Samuel Nelson, the senior justice of the Supreme Court of the United States; General Robert C. Schenck, who had been appointed to succeed Motley, as minister to Great Britain; E. Rockwood Hoar, a distinguished jurist, afterward attorney-general of the United States; and George H. Williams, formerly United States senator from Oregon. John C. Bancroft Davis, an assistant secretary of state, was the secretary of the American commissioners. On the British side were Earl de Grey and Ripon, a member of the cabinet; Sir Stafford H. Northcote, one of the most eminent opposition members of Parliament; Sir Edward Thornton, the British minister at Washington; Professor Montague Bernard, of Oxford, a distinguished jurist; and Sir John A. Macdonald, prime minister of Canada. Lord Tenderden, under-secretary of state for foreign affairs, was their secretary.

This was a notable and worthy body of men, and one and all applied themselves to their arduous labors with singular devotion and fairness of spirit.

Lord Granville, the British foreign secretary, instructed the British commissioners to discuss nine topics, to wit:

1. The fisheries.
2. The navigation of the St. Lawrence River and Canadian canals by American vessels.
3. The transit of British commerce through Maine and down the St. John River.
4. The Manitoba boundary.
5. The claims on account of the *Alabama* and other Confederate cruisers.
6. The San Juan water boundary.
7. The claims of British subjects arising out of the Civil War.
8. Canadian claims on account of the Fenian invasion.
9. Revision of the rules of maritime neutrality.

The instructions to the American commissioners, prepared by Fish, provided for the consideration of six topics:

1. The fisheries.
2. The navigation of the St. Lawrence River.
3. Reciprocity in trade between Canada and the United States.
4. The San Juan water boundary.
5. American claims on account of the Confederate cruisers.
6. British claims arising out of the Civil War.

Thus five of the topics were substantially the same in both sets of instructions. The commission held thirty-seven sessions, at which the best of feeling prevailed. Of course the Americans had the advantage, in being at home where they were in constant touch with the President and his cabinet, while the British commissioners had to confer with their Government at long range by cable. Such conference also was required to be constant and detailed. Sir Stafford Northcote, whimsically but really with not very much exaggeration, declared that he and his colleagues were not permitted to respond to the Americans' salutation, "How do you do?" without cabling home for instructions!

In spite of this the negotiations proceeded so rapidly that on May 8 the commissioners were able to sign a definitive treaty, comprehensive in its scope, for the settlement of all the points at issue. Bancroft Davis has related that that day was bright and sunny, the room in which the commissioners met was decorated with flowers, and many spectators were present. Davis and Tenterden tossed a coin to decide which of them should sign first as secretary, and Tenterden won. McCarthy, a department clerk, put on the wax for the seals, and was awkward and nervous over it, and at the end was so embarrassed that he burst into tears; but the commissioners consoled him with a handsome purse with which to procure a memento of the occasion.

The treaty which was thus made consisted of a preamble and forty-three articles. Most of it was devoted to the *Alabama* claims, which it declared were to be submitted to a court of arbitration, sitting at Geneva, Switzerland, and consisting of five members, of whom one should be appointed by the President, one by the queen, one by the King of Italy, one by the Swiss president, and one by the Emperor of Brazil—or by the King of Sweden and Norway in default of one of the latter three. The treaty also provided for the settlement of other claims, either American or British, growing out of the Civil War; the North Atlantic fisheries; the navigation of certain rivers and canals and of Lake Michigan; the system of bonded transit of goods; certain features of the coasting trade; the lumber trade on the St. John River; and the San Juan water boundary.

The treaty was laid before the Senate on May 10, and was referred to the committee on foreign relations. Of that committee Simon Cameron was chairman. Sumner had quarreled with the President, and the party leaders in March preceding had deposed him from the place which he had filled with distinction for ten years. That change was probably of little importance to the treaty, however, for Sumner, with all his violent antipathies and radical designs, would scarcely have opposed ratification, and would not have been able to prevent it had he so desired. As a matter of fact, despite his antipathy to Grant and Fish and his bitter resentment at the removal of his friend Motley from the English mission, he voted for ratification. The instrument really accorded pretty closely with the ideas which

he had expressed in his famous speech against the Johnson-Clarendon convention, save in a few of the extreme particulars. Ratification was accordingly effected on May 25, to the immeasurable gratification of both countries, which now for the first time in many years saw an assured prospect of the confirmation of friendship between them on a basis of reason and equity and settlement of outstanding disputes.

Preparations were promptly begun for submission of the various matters to arbitration. The British side was entrusted to the lord chancellor, assisted by Lord Tenterden and Professor Bernard, with Sir Roundell Palmer as counsel. The American case was entrusted to Bancroft Davis, with William M. Evarts, Caleb Cushing, and Morrison R. Waite as counsel. The arbitrators were as follows: Chosen by the Queen of England, Sir Alexander Cockburn; by the President of the United States, Charles Francis Adams; by the King of Italy, Count Frederic Sclopis, a minister of state and senator, jurist, and man of letters; by the Swiss President, Jacques Staempfli, three times President of the Confederation, jurist, journalist, and statesman; by the Emperor of Brazil, Baron d'Itajuba, jurist and diplomat. No exception could be taken to any of them, their character and capacity being all that could be desired for even so august an understaking as that which confronted them at Geneva. Count Sclopis was chosen to preside over the court, which had its first meeting on December 15, 1871, in the Salle des Conferences of the Hotel de Ville of Geneva, which had been placed by the cantonal government at the disposal of the high court of arbitration.

Davis and Tenterden then presented the cases of their respective Governments, and the court designated April 15, 1872, as the date on which the counter cases should be delivered to its secretary. The second meeting was held the next day, and the tribunal then adjourned until June 15, 1872, unless it should be called together at an earlier date by the secretary. Even at these two preliminary meetings the five arbitrators were obviously much impressed with the importance of the work which had been laid upon them, and they were of course animated with a desire and determination to prove worthy of it in their exercise of discretion and painstaking justice.

The American case, as presented by Davis, rehearsed the circumstances of secession and the outbreak of the war. It argued that the British recognition of Confederate belligerency had been given without adequate reason, in violation of promises given to the United States, and as part of a prearranged plan between Great Britain and France; and it charged that in thus giving that recognition the British government "was actuated by a conscious unfriendly purpose toward the United States." The rejection of the American application to be admitted to the Declaration of Paris, and the negotiations by a British consul with the Confederate government, were next discussed. The *Trent* case was cited as an illustration of the contrast between the American and the British conception of neutral duties. Numerous expressions of British public men were cited, to show the anti-American animus which prevailed among them and "the unfriendliness and insincere neutrality of the British cabinet of that day."

The British neutrality laws and the proclamation of neutrality which was made in 1861 were analyzed, to show the British conception and profession of neutrality, as contrasted with the actual practice which prevailed during the war; thus convicting the British government under its own laws. Taking up the matter of the Confederate vessels, it was argued that the fitting out, the arming, and the equipping each constituted in itself a separate and complete offense; while the permitting or failing to prevent the sailing of such vessels was a gross dereliction of duty. The use of British ports by Confederate belligerents "for the renewal or augmentation of military supplies or arms for naval operations" was held to have been another serious violation of neutrality. In fine, the British government had not used due diligence for the prevention of violation of its own neutrality laws and the common law of nations. The "commissions" which were issued to the Confederate cruisers, to constitute them men-of-war and thus to exempt them from seizure or detention, were shown to have been no more valid than those issued by Genet in 1793, which the United States had then disregarded at the instance of Great Britain.

The fourth chapter of the American case discussed numerous specific instances of Great Britain's failure to perform the

duties of a neutral. One was that the Confederacy had been permitted to create and to maintain in England what were really branches of its war, navy, and treasury departments, which operated particularly for the facilitation of blockade running. Another was the use or abuse of the port of Nassau, in the Bahama Islands, which was closed against American warships but was kept freely open to Confederate blockade runners. Various hospitalities to Confederate vessels, British toleration of the transactions of Confederate agents who were making contracts for the building of ships, and invidious discriminations against the United States in favor of the Confederates, were cited. The fifth chapter detailed the destructive careers of the Confederate cruisers which British breaches of neutrality had permitted to go abroad, and the sixth and final chapter set forth the specific claims of the United States and the demand that Great Britain should be compelled to pay a lump sum indemnity to the United States. The claims were for direct losses through the destruction of vessels and other property belonging to the United States or under its flag, and for damages or injuries to persons growing out of such destruction to vessels or property; for national expenditures in the pursuit of those cruisers; for the loss sustained in the necessary transfer of American commercial vessels to the British flag; "for the increased cost of marine insurance; and for the prolongation of the war and the addition of a large sum to the cost thereof." Specific claims were for $19,021,428.61 for the vessels seized by the Confederate cruisers, and $7,080,478.70 for the costs of running those cruisers down. Of the "national" or "indirect" claims, for the cost entailed by the prolongation of the war, no estimate was made.

The British case was equally voluminous and elaborate. It traversed each of the points made by the American counsel, with narratives, citations of precedents, quotations and expositions of British and international law, all tending to prove that the British government had manifested no unfriendliness, and had in no wise failed in a sincere and diligent performance of neutral duties. The counter cases of the two parties added little to the originals, though they were voluminous.

Shortly after the first meeting of the tribunal, in December,

1871, and January, 1872, the report became current in England that Sumner's demand for "indirect claims" was being pushed by the United States, and would be considered by the tribunal at Geneva. At this there was an alarmed outcry in the British press of all parties against countenancing any such action. The subject was taken up very seriously by the Government, and at one time the cabinet actually considered the propriety of asking for the withdrawal of the American case, or a part of it, partly because of the "indirect claims" and partly because of the direct allegations of British unfriendliness. At the beginning of February the British foreign minister, Lord Granville, told the American minister, General Robert C. Schenck, that it was not within the province of the Geneva tribunal to pass upon the claims for "indirect losses," and an announcement to that effect was made in the queen's speech at the opening of Parliament a few days later. In the debate which followed in Parliament prominent speakers of both parties insisted that the "indirect damages" ought not to be considered. These speeches were generally temperate and conciliatory in tone, however, excepting that of Gladstone. That statesman passionately declared that it would amount "almost to an interpretation of insanity to suppose that any negotiators could intend to admit, in a peaceful arbitration, claims which not even the last extremities of war and the lowest depths of misfortune would force a people with a spark of spirit to submit to at the point of death."

The most important utterance on the subject, however, was made by Sir Stafford Northcote in a speech at Exeter, when he referred to an understanding, based upon an alleged promise of the American commissioners that the indirect claims were not to be put forward. This was repeated in Parliament, and of course was reported at Washington. Fish and all the other American commissioners declared that they had never made or implied any such promise, and one of them, E. R. Hoar, stated that on the contrary he had always understood that the claims in question were to be presented to the tribunal. This radical difference of recollection was for a time ominous, but it was finally perceived to have arisen from an entirely innocent misunderstanding. There followed, from the beginning of March

to the middle of June, incessant negotiations for getting rid in some way of the stumbling block of indirect claims. The Americans were quite willing to drop them, but were confronted with the difficult problem of how to do so, seeing that they had been specifically included in the presentation of the case. No settlement had been reached by June 15, the date set for the reassembling of the tribunal, and adjournments were accordingly made to June 17 and June 19. On the latter date a declaration, drafted by Adams, was unanimously adopted by the court, to the effect that, without meaning to express any opinion upon the point of difference as the interpretation or effect of the treaty of Washington concerning the indirect claims, the members of the tribunal had individually and collectively come to the conclusion that such claims did not constitute, on the principles of international law, good foundation for an award of compensation, and that they should upon such principles be wholly excluded from the consideration of the tribunal. That ended the matter. The indirect claims bogy was disposed of forever. A request was made by the British counsel for permission to offer some additional general arguments, but it was refused, and the tribunal adjourned until July 15, when it was to take up the definitive work of deciding the case.

The twenty-fifth meeting of the tribunal was held on August 23, and at it votes were taken to declare the question whether Great Britain had incurred any liability for the Confederate cruisers. In relation to the *Sumter,* the *Nashville,* the *Georgia,* the *Tallahassee* and the *Chickamauga,* the tribunal unanimously voted "no." In relation to the *Alabama,* it unanimously voted "yes." In relation to the *Retribution* a majority voted "no," Adams voting "yes," and Staempfli also voting "yes" as to one of that vessel's acts. In relation to the *Shenandoah* a majority voted "yes" as to part of her acts, Cockburn and Itajuba voting "no." The case of the *Florida* was acted upon three days later, when all but Cockburn voted "yes." The question of the sum to be awarded was determined on September 2, when all but Cockburn voted for the lump sum of $15,500,000; which was accordingly adopted as the award of the court.

Some time was consumed in the preparation of the formal draft of the arbitral verdict, but this was complete and made

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ready for signature on September 14, 1872. At that meeting for the first time visitors were admitted to a session of the tribunal, and the cantonal government of Geneva was, most appropriately, present in a body. The award had been prepared in both English and French, but was read aloud in English. It was read aloud by the secretary of the tribunal, and was then signed by Adams, Sclopis, Staempfli, and Itajuba, in the order named. Cockburn did not sign it, but filed a dissenting statement. After some further formalities, and amid salvos of artillery fired by the Geneva government, Sclopis declared the work of the tribunal completed and that body dissolved.

It will be observed that the award dealt exclusively with the claims relating to the Confederate cruisers. Its scope was thus much less than was at first intimated. Nevertheless it was sufficient. To take up other matters would have been a mistake, and would have jeopardized the whole procedure. The result was an unequivocal victory for the United States. Equally, as even judicial-minded Britons were impelled to concede, it was a victory for justice and equity, and a vindication of the sanctity of law. Above all, perhaps, it was the first great establishment of the principle and practice of international arbitration. There had been arbitrations before, but none like this. The modern system of international arbitration, or, more properly, adjudication, was suggested by Franklin and Hamilton and was founded in Jay's treaty of 1794, but it had its first important application in the treaty of Washington and the Geneva tribunal.

The result of these epochal proceedings was not received in either country with the grateful appreciation which it deserved. In the United States a Presidential campaign was approaching, in which the spirit of faction rose high, and the administration was largely denied the credit which was its due. Partizan enmity against the President was permitted to obscure the superb achievement which his administration had effected for national rights and honor. In Great Britain, also, partizan feeling was strong enough to overcome judgment. "The London Times" regarded the verdict of the tribunal with "profound satisfaction," while "The Daily Standard" denounced it in terms that

were little short of savage. "The Daily Telegraph" pronounced it a "magnificent victory," and "The Morning Post" described it as "a bungled, unsettling settlement." "The Observer" acclaimed it as a triumph of the cause of peace, and "The Advertiser" characterized all that was said in its favor as "wild, sentimental rubbish." "The Saturday Review" regarded it as "profoundly mortifying to Englishmen," while "The Nonconformist" hailed it as a service to civilization. The later and calmer judgment of both countries has amply confirmed, with substantial unanimity, the most favorable of the estimates which were at first expressed.

There remained to be settled numerous other claims arising out of the Civil War. Many of these were British claims against the United States, for injuries inflicted by the Confederates upon British subjects, for captures and seizures by United States cruisers, and for arbitrary arrests and other alleged violations of the rights of British subjects. Under the terms of the treaty of Washington these were all referred for final settlement to an impartial commission consisting of one representative of each country and one representative of a neutral and friendly power. The members of this commission were James S. Frazer, formerly a justice of the supreme court of Indiana; Russell Gurney, a member of the British Parliament and of the privy council; and Count Louis Corti, the Italian minister at Washington. This commission held its meetings at Washington, beginning on September 26, 1871; Count Corti presiding. There were filed with it in all 478 British claims, amounting, exclusive of interest, to about $60,000,000, and 19 American claims amounting to less than $1,000,000. Of the British claims 259 were for property alleged to have been taken by United States authorities for the uses of the Government; 181 were for property alleged to have been destroyed by the forces of the United States; 7 were for property alleged to have been destroyed by the Confederate forces; 100 were for alleged unlawful arrest or imprisonment of British subjects; 77 were for alleged unlawful capture of British vessels or their cargoes; 3 were for alleged unlawful warning of British vessels away from the American coast; and 34 were of a miscellaneous character. As a result of the commission's labors, 260 British claims were disallowed

on their merits; 181 were allowed, with awards of $1,929,819; and the remainder were withdrawn or dismissed for lack of jurisdiction. Of the 19 American claims, all were disallowed and dismissed. In the great majority of cases, the disposition of the claims was agreed to by all three commissioners. Among those unanimously rejected and dismissed was one demanding payment by the United States of some of the Confederate bonds, or "cotton loans." It was properly held by all the commissioners that "the United States is not liable for the payment of debts contracted by the rebel authorities." The final award of the commission was made at Newport, Rhode Island, on September 25, 1873.

The treaty of Washington provided also for the settlement of the old dispute over the San Juan water boundary between the United States and British Columbia, at the northwest, by reference to the German emperor as arbitrator. As related in a former chapter, the award in this case, which was announced two months after the verdict at Geneva, was in favor of the contention of the United States. It was unhesitatingly acquiesced in by both parties.

The question of the extradition of criminals, which had been dealt with in our early relations with Great Britain, was raised afresh in an important way in 1876. A flagrant swindler and forger, one Winslow, had fled from New York to London and was there arrested and his return to this country for trial was demanded. The British government very properly required, before surrendering him, an assurance that he would not be tried for any other offense than that for which he was extradited. The American government declined to give such assurances, on the ground that they were not called for by the treaty. The British demand was based upon the fact that a British law, enacted subsequently to the making of the extradition treaty, contained such a requirement. That was a commendable law, but it was a mistake to base the requirement upon it, for of course the reply was that no domestic law of Great Britain could take from or add to an international treaty. That reply was convincing, yet it was regrettable that the American government felt constrained to make it, since the principle for which the British government was contending was manifestly correct on

the broadest grounds of equity. The result of the controversy was that Winslow was not extradited and was never brought to trial for his crimes. The United States for some months declined to invoke the extradition of criminals under the treaty, and that instrument was practically suspended. Then Great Britain weakly yielded the point, and the treaty became operative again. But it is to be observed that the United States soon adopted the very principle which Great Britain had at first insisted upon and then abandoned, and has ever since strenuously maintained, that extradited criminals must be tried for only the offenses for which they are extradited.

The ancient controversy between the United States and Great Britain over naturalization was finally composed in 1870, when a convention was made providing that each of the countries should give full recognition to naturalization when it was acquired in and under the laws of the other.

An unpleasant incident in Anglo-American intercourse, though happily without diplomatic significance, occurred in 1876. General Schenck, the American minister in London, indiscreetly permitted his name to be used in connection with the promotion of some mining enterprises. These latter were quite legitimate and in the end highly profitable. But for a time they fell under a cloud of suspicion, and factional attacks upon Schenck were numerous and savage. In consequence he abruptly tendered his resignation and hastened home.

Domestic distress and political agitation in the United Kingdom a few years later led to important developments in the unofficial relations between it and the United States. In 1879 and 1880 a disastrous famine occurred in Ireland, which called for the raising of relief funds wherever possible. Large funds were raised in the United States, and the Government in 1880 gave the use of the old frigate *Constellation* to carry a cargo of food from this country to the starving people of Ireland. The *Constellation,* it will be recalled, was one of the famous American frigates which in the War of 1812 inflicted great losses upon the British navy and British commerce; and the chartering of her for this finely contrasting errand of friendship and mercy was a noteworthy and most felicitous incident, which, together with the other American benefactions to the Irish famine suf-

ferers, did much to promote sympathetic relations between the two countries.

At the very same time, however, there arose a formidable agrarian and political movement in Ireland under the name of the Land League. Ostensibly and directly this aimed at the amelioration of Irish distress by the abatement of extortionate rents, the correction of the gross abuses of the absentee landlord system, and the reform of the land laws of the island. Actually and ultimately its purpose was the secession and complete separation of Ireland from the British crown. The founder and leader of that movement, Charles Stewart Parnell, with several of his associates, came to the United States in the winter of 1879–80 and made a tour of the country, addressing many large public meetings, organizing American branches of the Irish Land League, and collecting large sums of money for the promotion of that cause. The utterances of these men were largely intensely hostile to the British government, denouncing it as the malevolent source of Ireland's woes and declaring that the Land League movement would not cease until it had severed the last link that bound Ireland to the British crown. This caused a certain revival of the violent Fenian spirit of former years, a widespread campaign of animosity toward Great Britain was begun in the United States, and for some years thereafter the question of Irish separation from England was almost as noisy and as conspicuous in American as in British politics. In order to "win the Irish vote," as they fondly supposed, American politicians, including some of the foremost rank, indulged in intemperate tirades against Great Britain, and "twisting the British lion's tail" was a frequent and favorite diversion of buncombe orators in Congress. This course of conduct caused some popular estrangement between the two countries for a time, though it did not affect their official relations.

A pleasant contrast to it occurred in 1881, when the centennial commemoration of the British surrender at Yorktown was held. On that occasion, by the President's order, the British flag was formally saluted, with all possible honor.

In a later year, in the heat of a particularly passionate political campaign in the United States, relations between this country and Great Britain were temporarily disturbed by a minor

incident which reflected little credit upon any one concerned in it, but which illustrated again the manner in which grave international interests may be sacrificed to the supposed exigencies of partizan strife. In 1888 Cleveland was a candidate for reëlection to the Presidency, and his opponents were eager to make it appear that, because of his alleged subserviency to Great Britain in the North Atlantic fisheries matter and his advocacy of free trade, he was being supported by British influences. Accordingly a trickster was found who was willing falsely to represent himself to be an Englishman naturalized in America, and as such to write to the British minister at Washington, asking his advice as to how to vote at the coming election. The minister, Sir Lionel Sackville-West, was deluded by the trick, and with amazing indiscretion replied to the bogus correspondent in terms which clearly indicated his preference for Cleveland, though he recognized that "any political party which openly favored the mother country at the present moment would lose popularity." This reply was at once made public by the political schemers who had secured it, and as a result the President was compelled to request the recall of the indiscreet minister. The offense was scarcely sufficient to warrant such punishment, but the Presidential election was close at hand and Cleveland as a candidate for reëlection could not afford to seem to condone even so slight a breach of international etiquette. To serve the ends of one party the minister was tricked into an indiscretion, and to serve the ends of the other he was sacrificed. It was a sorry business all around.

XXV

DEALINGS WITH BRITISH AMERICA

RELATIONS between the United States and the British government increasingly related to the affairs of the extensive and important British possessions in America. In 1867 the creation of the Dominion of Canada was proclaimed, this new political organization comprising all British possessions on the North American continent, but not Newfoundland. The effect of this upon American relations with Canada and with Great Britain was potential and prospective, rather than actual. It soon began actual development, however; the dominion more and more exercising the privilege of transacting business directly with the United States, and more and more insisting upon the right to be consulted authoritatively in the making of all British treaties under which its interests would in any way be affected. In the course of a few years, indeed, disputed questions between the United States and Canada came to be discussed at Washington or at Ottawa almost as though Canada were an independent nation; though Great Britain of course retained the ultimate authority and all treaties had to be made by and in the name of the British crown. The completion of the first transcontinental railroad across the United States in 1869 had the effect of materially increasing commercial relations between the Atlantic and Pacific coasts and also between the United States and Canada. In 1875 efforts were made to establish a new reciprocity system between these two countries, in place of that which had formerly existed, and a convention to that end was negotiated, but failed to receive ratification. For many years thereafter discussions of reciprocity, of commercial union, and of political union between the United States and Canada were almost incessant. Unfortunately in both countries they were made matters of political partizanship, and as a result nothing was effected by them excepting to drive the two countries politically further apart. At one time a strong an-

nexationist sentiment was perceptible on both sides of the boundary. But in Canada there arose an imperialist counter-movement, which soon made the other appear to resemble treason, and after a few years the two political parties of the dominion vied with each other in passionate devotion to the British crown; so that Canada was reputed to have become "more British than Great Britain itself."

An important Anglo-American controversy the settlement of which was intended under the treaty of Washington was that relating to the North Atlantic fisheries, and the rights and privileges of Americans on the shores and in the territorial waters of Canada and Newfoundland. This was one of the oldest of our controversies. It had figured largely in the negotiations at the end of the Revolution, and again in the treaty of Ghent. It had been the subject of special treaties in 1818 and 1854, by each of which it was fondly but vainly hoped that a final settlement had been made. It had during almost every fishing season for nearly ninety years been a source of vexation and friction, and often of violence and injustice. The chief points at issue in 1871 were two in number: Whether the three-mile limit of territorial waters should be a line following the windings and irregularities of the coast, or one drawn boldly across from headland to headland; and whether American fishing vessels had a right to enter the British coast waters and harbors for purposes of trade, or only for refuge and necessary supplies. As a makeshift or stop-gap measure the joint high commission in 1871 made an agreement under which for the term of ten years the United States was to have the privilege of taking fish within the three-mile limit in the Gulf of Newfoundland; a special joint commission being meanwhile constituted to determine the amount of compensation which the United States should pay for that privilege and also to settle if possible all phases of the controversy.

This latter commission was constituted in 1875. It was to consist of three members, one appointed by the President of the United States, one by the Queen of England, and one by the President and queen jointly or, in case of their inability to agree upon him, by the Austro-Hungarian ambassador to Great Britain. Ensign H. Kellogg was accordingly appointed by

President Grant and Sir Alexander T. Galt by Queen Victoria. There were some blunderings and delays over the appointment of the third commissioner, but in the end Mr. Delfosse, the Belgian minister to Great Britain, was named and was accepted by both parties. It was recognized, however, that the close relationship between the British and Belgian courts would probably incline him toward the British side of the case; an anticipation which was not altogether repudiated by the event. The commission thus constituted met at Halifax, Nova Scotia, during the summer and fall of 1877, and heard a vast volume of testimony from fishermen, fish dealers, and owners of fishing vessels, both British and American. The British sought to prove the magnitude and great profits of the American fishing industry in those waters, which employed 16,000 men on 1,000 vessels, and represented $7,000,000 of capital; and they demanded nothing less than the sum of $14,880,000 from the United States as payment for the privilege of fishing in British waters for twelve years. The Americans, on the other hand, pointed out the value to the British fishermen of the free admission of their fish to the American market, and the advantages of their contact with American fishermen.

In the end the commission awarded to Great Britain the sum of $5,500,000. This award was voted and signed by the British and Belgian commissioners. The American commissioner vigorously dissented and refused to sign the award, on the ground that it was excessive. Perhaps it was. But there was some little provocation, if not justification, for making the amount large. The Geneva tribunal six years before had awarded to the United States $15,500,000 for damages done by Confederate privateers, but more than $10,000,000 of that sum was still lying in the United States treasury, awaiting claimants. It was generally believed by the British at that time that the *Alabama* award had been far larger than was called for by legitimate claims, and it was felt that a large award at Halifax would merely be getting some of that money back. In the United States, however, a storm of popular and official protest against the award arose. It was argued by some, who ought to have known better, that the award was not valid because it was not unanimous. Congress adopted a resolution to give no-

tice to Great Britain that the existing agreement would be terminated in 1885 and that the status of the fisheries would then return to that of 1818. Sane counsels ultimately prevailed, however, and the award was duly appropriated by Congress and paid; though it was accompanied with a protest against its amount as excessive, and it was stated that payment was made solely in order to maintain good faith and to encourage the practice of arbitration as a means of settling international differences.

This settlement did not, however, at once put an end to troubles over the fisheries. On Sunday, January 6, 1878, a number of American fishing vessels were at Fortune Bay, Newfoundland, and as they were drawing their seines along the shore, in plain pursuance of treaty rights, they were violently attacked by a larger party of Newfoundlanders, on the pretext that it was unlawful to fish on Sunday. Demand was made upon the British government for indemnity, to the amount of $105,305.02. To the contention that the Americans were breaking the law of Newfoundland, which forbade fishing on Sunday, it was replied that no local or provincial law could supersede a treaty or impair rights enjoyed under it. In the end Great Britain paid the sum of $15,000 indemnity, which was distributed among the aggrieved fishermen.

The provisions of the treaty of 1871 expired, according to notice, on July 1, 1885, but were provisionally extended for six months so as to cover that year's fishing season. Then Canada gave warning of the strict interpretation and application of the treaty of 1818, and of the rigid enforcement of local laws. In 1886, consequently, a number of American fishing vessels were seized, on various pretexts but all really because they had come inshore to purchase bait. A tedious controversy ensued. The British authorities insisted that the cases must be disposed of by the local or provincial courts, while the Americans demanded diplomatic action. Thus the British government was placing itself in precisely the same position for which it and other nations had repeatedly, and have since repeatedly, reproached the United States, in endeavoring to subordinate international treaty obligations to local ordinances. It has been a lamentable weakness of the American system that state rights

have been permitted to interfere with the fulfilment of treaties, or to impair their validity. In this case Great Britain similarly permitted a local or provincial law to override an international treaty; the difference being, however, that the British action was voluntary while that of America was involuntary and reluctant.

The matter was complicated and embittered by the prevalence of factional passions in the United States. The President—Cleveland—was a Democrat, and the Republicans of New England raged against him for lack of patriotism in not sending the United States navy to Canadian waters to protect American fishermen. At the beginning of 1887 the foreign affairs committee of the Senate presented an elaborate report on the whole matter, with a resolution, which was adopted by Congress, under which the President was empowered to exclude all vessels of British North America from such privileges of United States ports as he might see fit to name, and also to exclude from entry into the United States the fish "or any other product" of Canada.

This was making straight for trouble. Had the President acted according to this resolution, relations with Great Britain would have reached perilously near to the breaking point. Fortunately, however, he exercised a wise discretion. Instead of resorting to the measures of retaliation proposed by Congress, he—or his secretary of state, Thomas F. Bayard—in October, 1887, appointed William L. Putnam of Maine and James B. Angell, president of the University of Michigan, as commissioners to confer with British representatives in seeking a settlement of the whole fishery dispute. This was done not only without the authority of the Senate but in the face of its expressed opinion that such action was inadvisable. The result was a treaty providing for a commission to designate the coast waters in which Americans might fish; which the Senate refused to ratify. Meantime the President, realizing the danger of acute trouble, asked Congress for further powers of retaliation, should such a course become necessary; particularly for a law prohibiting the transit of Canadian goods in bond across United States territory. But faction prevailed. The Senate was Republican and the House of Representatives was Democratic, and they could agree on nothing. The upshot of the whole matter,

for the time, was the making of a *modus vivendi,* thereafter repeatedly renewed, under which American vessels might procure for a fee licenses to enter Canadian and Newfoundland coast waters and to purchase bait. A radical settlement was postponed for later years.

Another major controversy with Great Britain began in 1881, when a United States treasury order was issued, which inferentially if not in terms declared the eastern half of Bering Sea to be a part of the territorial waters of the United States and therefore a *mare clausum.* This was done in order to prohibit British, Japanese, and other seal hunters from killing the fur seals which had their breeding grounds on the Pribyloff Islands, in that sea. These islands were a part of our Alaska purchase from Russia, and the seal herds which frequented them were enormously valuable. An American corporation paid the Government a large royalty yearly for the privilege of taking a limited number of the animals. But many outside adventurers sought at times to raid the islands, which of course they had no right to do, and at other times cruised in the neighborhood, to kill the seals at sea. These hunters claimed that the sea outside the three-mile limit was open to all, and that any of its wild inhabitants, seals or fish, could be taken by them. It was to deny this claim that the United States put forward in 1881, and confirmed in 1886, the extravagant claim of sovereignty over Bering Sea.

This was the more unwise and illogical for the reason that in 1824 this country had successfully disputed and compelled the relinquishment of a similar claim which was then made by Russia, and because in its controversy with Great Britain over the Newfoundland fisheries it had insisted that the three-mile line must follow the windings of the coast and not be drawn from headland to headland, a contention which was quite fatal to the American contentions in Bering Sea. The further pretension was made that the seals were our domestic property, and that even on the high seas, wherever they might stray, they must be respected as such. There was, no doubt, much provocation for this policy in the fact that pelagic sealing, recklessly prosecuted, was depleting the seal herds and actually threatening them with extermination.

In 1886, consequently, the United States began seizing all British or other vessels which were caught sealing in that part of the Pacific. Many British vessels were seized, most of them being more than sixty miles from shore when taken and thus obviously on the high seas. British protests were vigorous and numerous, but they were in vain. The United States courts based their decisions upon the old Russian claim, which the United States had acquired in the purchase of Alaska, that Bering Sea was a closed sea. Negotiations followed, with Great Britain, Japan, Russia, and other powers, aiming at a universal agreement for the protection of the seals. But in 1888 the Canadian government, angered by the senate committee's report on the northeast fisheries, caused the negotiations to be abandoned. Congress retorted sharply with the adoption of a resolution reaffirming the claim of exclusive sovereignty over Bering Sea and directing the President to make known to the world that all persons killing seals within the waters of that sea would be arrested and their vessels would be confiscated.

Seizures of British vessels therefore continued. In the summer of 1889 eight were taken. Benjamin Harrison was then President and James G. Blaine—an "aggressive" statesman, with pronounced anti-British inclinations—was secretary of state. An animated controversy between Blaine and Lord Salisbury, the British prime minister, arose, in which the former contended that pelagic sealing was contrary to good public morals, that the policy which had been announced by this country was demanded by good government and good morals the world over, and that the United States was entitled to all the rights which Russia had previously enjoyed and which had been acquiesced in by all nations. Salisbury shrewdly replied that Russia's claims had not been acquiesced in by all nations, but on the contrary had been successfully challenged by both the United States and Great Britain. He also insisted that a question of good public morals must be determined by the world at large and not by one nation acting for its own selfish interest. Blaine's retort was that the American protest of Russian claims had applied not to Bering Sea but to the Pacific Ocean south of the Aleutian Islands.

This controversy was prolonged for years, steadily growing

more acrimonious. In Great Britain public opinion was much roused, and in Canada it was still more excited. In the United States Republicans and Democrats vied with each other in "twisting the British lion's tail." Stringent measures of retaliation against Canada for her seal poaching were urged, especially the placing of an embargo on railroad traffic across United States territory from one Canadian point to another. There were also wild calls for sending the United States navy to Bering Sea to enforce our claims upon it.

Underneath all this swash and bluster there was, however, a substratum of sanity, moving in the direction of rational settlement. Salisbury proposed that the whole matter be submitted to international arbitration, and Blaine expressed his willingness to accept such a settlement, under certain conditions. In doing this he took occasion to deny the often-repeated assertions that the United States regarded Bering Sea as a *mare clausum*. "The Government," he said, "has never claimed it and never desired it. It expressly disavows it." This may have been technically true; but practically and substantially the United States had been acting on lines which were justifiable only on the theory that the water in question was a closed sea, just as much as Lake Michigan. The business was then taken up with Blaine by Sir Julian Pauncefote, the British minister at Washington, a diplomat of singular ability and catholicity of mind, and gratifying progress was made. In December, 1891, it was agreed that a mixed commission of experts should be appointed to investigate conditions of seal life and other phases of the question, and to report thereon to the two governments. The men appointed were Sir George Baden-Powell and Professor George Dawson, for Great Britain, and Professor T. C. Mendenhall and Dr. C. H. Merriam for the United States. These men had already spent some time at the Pribyloff Islands, and were particularly competent for the work. Their reports were to be submitted to the court of arbitration which it was expected would be constituted, and were not to be published until they had thus been used.

The treaty providing for arbitration was finally made, on February 29, 1892. It provided that the questions at issue concerning the jurisdiction of the United States in Bering Sea and

the property rights of this country in the seals outside of the ordinary three-mile limit, should be submitted to a tribunal of seven arbitrators, of whom two should represent the United States, two Great Britain, and one each be appointed by the President of the French Republic, the King of Italy, and the King of Sweden and Norway. Meantime a *modus vivendi* was established under which the British were to abstain from sealing in Bering Sea pending the arbitration, and were to receive indemnity for their abstention in case the arbitration should affirm their right to take seals in that water. On the other hand, the United States was greatly to restrict its own catch of seals pending arbitration, and if the arbitration should be in its favor, it was to be indemnified by Great Britain for such restriction.

The President named as the American arbitrators John M. Harlan, a justice of the Supreme Court, and John T. Morgan, a senator of the United States. The British arbitrators were Lord Hannen, a justice of the high court of appeal of Great Britain, and Sir John Thompson, minister of justice and attorney-general of Canada. The President of the French Republic named Baron Alphonse de Courcel, a senator of France and ambassador; the King of Italy named the Marquis Emilio Visconti Venosta, a senator and formerly minister for foreign affairs; and the King of Sweden and Norway named Gregers Gram, a minister of state. The manager for the United States was John W. Foster, afterward secretary of state; and for Great Britain, Charles H. Tupper, minister of marine and fisheries of Canada. The tribunal sat in Paris, its first meeting being on February 23, 1893. Baron Courcel was its president. Elaborate cases and counter-cases were presented to it, supported with copious arguments and citations of precedents and authorities. The real issues of the case were few and simple, but they were in the course of the proceedings involved to an almost interminable consideration of zoölogical topics, oceanography, economics, metaphysics, and what not else.

The tribunal concluded its painstaking labors and unanimously signed an award on August 15, 1893. It found on the five points submitted to it as follows:

First, that Russia, before the cession of Alaska to the United States, never asserted in fact or exercised any exclusive juris-

diction in Bering Sea or any exclusive rights in the seal fisheries therein, beyond the ordinary limits of territorial waters.

Second, that Great Britain never recognized any Russian claim to exclusive jurisdiction there outside of ordinary territorial waters.

Third, that in the treaty of 1825 between Great Britain and Russia the water now known as Bering Sea was included in the phrase "Pacific Ocean."

Fourth, that all of the rights of Russia in Bering Sea east of the water boundary established in the treaty of 1867 passed unimpaired to the United States.

Fifth, that the United States had no right of protection or property in the fur seals frequenting the Pribyloff Islands when those animals were outside of the ordinary three-mile limit.

In brief, the United States had succeeded to Russia's rights and no more, and Russia's rights never comprised any such extravagant proprietorship as that which this country had attempted to set up. The award was therefore a complete defeat for the United States, but its assured foundation in precedent, law, and common sense was indisputable. The tribunal in addition recommended the adoption of a set of international rules for the proper control and regulation of pelagic and other sealing.

As under the findings of the tribunal the American seizures of British vessels were declared to have been unlawful, Great Britain was entitled to indemnity therefor. The claims presented amounted to $542,169.26, with interest at seven per cent. additional. After some negotiations the secretary of state, Walter Q. Gresham, on August 21, 1894, offered the lump sum of $425,000 in full settlement, subject to the willingness of Congress to appropriate the money. This offer was accepted by Sir Julian Pauncefote. But at the ensuing session Congress, chiefly through partizan animosity against the administration, refused to appropriate the money, and a mixed commission was appointed by the two governments to deal with the matter. This commission consisted of William L. Putnam, a United States judge of the circuit court of appeals, and George E. King, a judge of the supreme court of Canada. These commissioners reached an agreement without requiring the services of an um-

pire, and awarded, in December, 1897, to Great Britain the sum of $473,151.26, which Congress duly appropriated and paid. Thus Congress paid $48,151.26 more than it would have had to pay if it had approved Gresham's settlement; a large price for a bit of petty factional and personal spite.

Under the Paris award there were adopted for five years certain regulations of the sealing industry intended to prevent extermination of the Pribyloff herds, but upon the expiration of that period the former lawless condition of affairs was renewed. Repeated efforts were made to secure international action for the abolition of pelagic sealing, but without success. The United States by domestic law forbade its citizens to engage in pelagic sealing, but that left Canadians free to follow that trade, to the great dissatisfaction of Americans. More than once it was urged in Congress that the United States should exterminate the seal herds and thus end the controversy by destroying its subject matter. In 1898 the subject was referred to another joint commission, which was intended to settle that and all other disputed questions between the United States and Canada. This commission was composed of six representatives of each side, as follows: For the United States, Charles W. Fairbanks and George Gray, senators; Nelson Dingley, representative; John W. Foster, John A. Kasson, and T. Jefferson Coolidge. For Great Britain, Lord Herschell; Sir Wilfrid Laurier, prime minister of Canada; Sir Louis H. Davies, Canadian minister of marine and fisheries; Sir Richard Cartwright and J. Charlton, members of the Canadian Parliament; and Sir James T. Winter, prime minister of Newfoundland. During the progress of the negotiations Senator Gray resigned and was succeeded by Charles J. Faulkner, a senator; Dingley died, and was succeeded by Sereno E. Payne, a representative in Congress; and Lord Herschell died, and was succeeded by Lord Russell of Killowen.

The commission began its sessions on August 23, 1898, at Quebec, with the following *agenda* before it: The Bering Sea sealing question, the North Atlantic fisheries, the Alaska boundary, reciprocal mining regulations, fisheries in the Great Lakes, alien labor laws, and reciprocity of trade. The Alaska boundary question proved to be the crux of the negotiations, and it

eventually became evident that no agreement upon it was to be reached. The British commissioners proposed reference of it to arbitration, but the Americans demurred, believing that it should and could be settled by direct negotiation. At last, on February 20, 1899, the commission adjourned to reassemble on August 2 following, but before the latter date a further indefinite postponement was ordered, and the sessions were never resumed.

The Alaska boundary question, which after the discovery of gold in the Klondike region loomed into commanding proportions, concerned the interpretation of the Anglo-Russian treaty of 1825, defining the boundary between Russian America and British North America. North of Mount St. Elias that boundary was the 141st meridian of west longitude. From that mountain southward it was to follow the summit of the mountain range parallel with the coast where it was not more than ten marine leagues from the ocean; but where the mountain ridge was at a greater distance than that, the boundary was to be formed "by a line parallel to the windings of the coast" not more than ten marine leagues therefrom. All the coast islands were to belong to Russia. At the extreme south the line was to reach the ocean along the Portland Channel.

It was of course conceded that in acquiring Alaska from Russia the United States had secured it with these same boundaries which Great Britain had recognized in 1825. But the British contention was, first, that at the south not Portland Channel but Behm Channel was meant, which would give Canada an important addition of territory there; and second and more important, that instead of strictly following the windings of the coast the line should be drawn boldly across from headland to headland, so as to give to Canada the upper parts of several great inlets—especially at Lynn Canal—and to afford her direct maritime access to the territory far north of the legitimate sea coast of British Columbia. The United States strenuously resisted these claims, and insisted that Portland Channel meant Portland Channel and nothing else, and that a line "parallel to the windings of the coast" must be drawn parallel to the windings of the coast and not cut arbitrarily across them. In brief, the United States claimed possession of an unbroken strip

of mainland coast not more than thirty miles wide. It will not escape attention that in these contentions the two countries exactly reversed those which they had made in the case of the Newfoundland fisheries, when the British were sticklers for following the windings of the coast and the Americans were for running straight lines from headland to headland.

In 1902 the matter was taken up earnestly by John Hay, secretary of state, and Sir Michael Herbert, the British ambassador at Washington, and after some friendly discussion it was agreed to refer it to a joint commission. This body was composed of Lord Alverstone, the lord chief justice of England; Sir Louis Jette, lieutenant governor of Quebec; and Allen Bristol Aylesworth, of Canada; and Elihu Root, secretary of war; Henry Cabot Lodge, a senator; and George Turner, of the United States. The commission made its award on October 20, 1903, and it was substantially in favor of the United States. It did not give this country a strip thirty miles wide at all points, but it did give it an unbroken strip of mainland coast, defined by a boundary line drawn parallel to the coast and running around the heads of Lynn Canal and other inlets. The Canadian territory was thus completely occluded from the sea, north of the Portland Channel. The Canadian commissioners declined to sign the award, but Lord Alverstone signed it and it thus became effective for the final settlement of that controversy. The fisheries of the North Atlantic and the Great Lakes, and various other questions between the two countries, were left to be disposed of at a later date.

One of the most serious controversies of recent times between the United States and Great Britain arose over a disputed boundary in South America. Before the middle of the nineteenth century it became obvious that there was an overlapping of the territorial claims of Venezuela and British Guiana, but for some time, in the lack of interest in those regions, no important dispute arose. As early as 1876, however, Venezuela complained of British encroachments in the Orinoco Valley, and at various times thereafter appealed to the United States as "the oldest of the republics on the new continent" to "lend the others its powerful moral support in disputes with European nations"—in other words, to make good the spirit and intent of the Monroe

Doctrine. The United States invariably responded with kindly and reassuring words, but nothing more, until 1882. In that year the secretary of state, Frederick T. Frelinghuysen, suggested the interposition of the good offices of the United States, to secure a reference of this boundary question to impartial arbitration for settlement. The Venezuelan government could scarcely help accepting this suggestion, though it did so with reluctance, for the reason that it regarded the United States as the only arbitrator that would be satisfactory to it, and yet this country would be debarred from thus acting if it interested itself in Venezuela's behalf in prevailing upon Great Britain to enter into arbitral proceedings. The result was that the matter was presently permitted to lapse without action.

British advances in the disputed region continued, however, and reports of valuable gold deposits in the Orinoco Valley greatly increased international interest in that region. In 1886 the British seemed inclined to take possession of the mouth of the Orinoco, and the Venezuelan government in consequence sent a gunboat thither, with a force of engineers and artisans, with orders to construct a lighthouse on Barima Point, and thus to take actual possession of a strategic spot in the disputed zone. Word was at the same time sent to the British government that this was being done, and it was intimated that if that Government objected to such assertion of sovereignty, diplomatic relations between the two countries would be broken. Referring to this, the American secretary of state, Thomas F. Bayard, wrote to the American minister in London, Edward J. Phelps, that this Government would be glad to tender its good offices for a settlement of the dispute; that the United States bore, under the Monroe Doctrine, a certain responsibility for its South American neighbors; that this country was, nevertheless, quite able to sustain an attitude of friendly impartiality and complete neutrality, so that it could properly act as umpire in a dispute; and that it was assumed that the British government had no political designs against Venezuela, but that the dispute was purely geographical.

Great Britain declined to accept American mediation, however, and instead sent naval forces to the mouth of the Orinoco and to other points on the Venezuelan coast, while the British min-

ister at Caracas asked for his passports and prepared to leave the country. Then the rumors of gold in the Orinoco Valley were verified and British miners flocked into the region and refused to acknowledge Venezuelan authority there. This brought those two countries within measurable distance of war, and compelled the United States government to take serious cognizance of what was going on. Bayard again wrote to Phelps, expressing grave solicitude, and repeating the offer of mediation, which was not accepted. In the early part of 1888 the diplomatic correspondence in the case was called for by Congress, and much discussion followed, both official and popular, but no action was taken. Relations between Venezuela and Great Britain remained in a state of disturbance, though they were not suspended and earnest efforts were made by several Venezuelan ministers in London to secure an adjustment of the controversy. Thus matters continued during the Harrison administration in the United States, and until the middle of the succeeding term of President Cleveland—his second.

In 1895 the crisis came. All through that year the British settlers and the Venezuelan police in the disputed region were at the point of open conflict, while the British government was preparing to intervene with an overwhelming force if necessary for the maintenance of what it held to be its rights. The Venezuelan government, realizing its own impotence in such a conflict, and rightly believing its sovereignty to be infringed upon by British aggressions, made repeated appeals to the United States. The President, Cleveland, now manifested a somewhat more aggressive disposition than he had in his former term, and his secretary of state, Richard Olney, was also more aggressive than Bayard had been. The result was that an animated and at times almost acrimonious correspondence ensued between Olney and the British prime minister, Lord Salisbury, chiefly over the Monroe Doctrine and its applicability to the dispute in the Orinoco Valley. Olney held that if Great Britain were in fact encroaching upon Venezuelan territory, her doing so was tantamount to the extension of European sovereignty at the expense of an American State; an act which obviously violated the prohibition of the Monroe Doctrine, and of which the United States must necessarily take cognizance for its resistance and preven-

tion. Whether Great Britain was or was not thus acting could be determined only by a thorough and impartial investigation, which should ascertain from historical and other evidence the just title to the region in dispute. Therefore the United States insisted upon the submission of the case to arbitration; agreeing, in case the verdict was in favor of Great Britain, to acquiesce in that country's enforcement of its rights, but declaring that if, on the contrary, the decision were in favor of Venezuela, it would then be necessary for the United States, for the sake of its own peace and security and for the maintenance of a fundamental principle of policy, to prevent any further violation of Venezuelan territory or sovereignty. Salisbury, on the other hand, denied that the Monroe Doctrine had any proper bearing upon the case. That doctrine, he argued, had been put forward to cover a specific emergency; and having served that purpose, had become practically obsolete. At any rate, the interests and welfare of the United States were not imperiled by anything that might happen in the Orinoco Valley, and the intrusion of this country into the dispute between Great Britain and Venezuela was entirely unwarranted.

This correspondence resulted in no agreement, and in consequence Cleveland, in his annual message of December 2, 1895, reported the whole matter to Congress, adding, in vigorous terms, that the continued maintenance of the Monroe Doctrine was essential to our peace and safety as a nation and to the integrity of our free institutions. "It was intended to apply to every stage of our national life, and cannot become obsolete while our republic endures." In this belief the United States had, in a friendly spirit, proposed impartial investigation and arbitration of a vexatious problem, and it was deeply disappointed at the refusal of Great Britain to accept that proposal. There remained, then, no doubt as to the course which it was necessary for this country to pursue. It must "take measures to determine with sufficient certainty for its justification the true divisional line between the Republic of Venezuela and British Guiana." In order that such an examination might be prosecuted in a becoming and satisfactory manner, he suggested that Congress should make an appropriation sufficient for the expenses of a commission, to be appointed by the President, which

should make the necessary investigations and surveys and report upon them with the least possible delay. When such report was made, he added, it would be "the duty of the United States to resist by every means within its power, as a wilful aggression upon its rights and interests, the appropriation by Great Britain of any lands or the exercise of governmental jurisdiction over any territory which after investigation we have determined of right belongs to Venezuela." In conclusion he declared that in making those recommendations he was fully alive to the responsibility incurred and keenly realized all the consequences that might follow. He was nevertheless firm in his conviction that, while it was a grievous thing to contemplate the two great English-speaking peoples of the world as being otherwise than friendly competitors in the onward march of civilization, and strenuous and worthy rivals in all the arts of peace, "there is no calamity which a great nation can invite which equals that which follows a supine submission to wrong and injustice and the consequent loss of national self-respect and honor, beneath which are shielded and defended a people's safety and greatness."

This was "coming to grips" with a vengeance. There were many who believed that the message meant war, and indeed the two countries were at that moment probably less far from war than they had been for thirty years, or since Charles Francis Adams's memorable declaration, "This is war." Happily, on both sides of the ocean both statesmen and people as a rule kept their heads. There was some excited talk in this country, and the voice of pernicious faction was heard; while something like a panic occurred in the speculative stock market. But the people at large loyally supported the President in what they knew to be a sincerely patriotic course, and Congress did the same. The message was delivered on December 17. The very next day, without debate, the House of Representatives voted for the appointment of the commission which the President had suggested, and two days later the Senate did the same. The commission was appointed on New Year's day, a fortnight after the President's message. It consisted of David J. Brewer, a justice of the Supreme Court of the United States; Richard Henry Alvey, judge of the court of appeals of the District of

Columbia; Andrew D. White, formerly minister to Germany and to Russia; Frederic R. Coudert, one of the foremost lawyers of New York, and Daniel C. Gilman, president of Johns Hopkins University. A worthier company of men for the great task could scarcely have been selected. A number of competent experts were engaged to search the historical and diplomatic records of Spain, Holland, and other countries, for data bearing upon the matter in dispute.

In Great Britain the President's message was received with astonishment. It had not been supposed that the American government took the case so much to heart. Moreover, it was thought that Cleveland's language was needlessly harsh and provocative. There were some who resented it and retorted harshly. But the foremost public men and prints were moderate and conciliatory themselves and deprecated violence of tone in others. The Prince of Wales publicly expressed confidence that the crisis would be arranged in a manner satisfactory to both parties. Lord Rosebery, the foremost Liberal statesman, disbelieved the possibility of war over the matter, which, he said, would be the greatest crime on record, and Arthur J. Balfour, the Conservative leader, expressed himself in similar terms. It has also been confidently stated, by those who were in a position to know, that the venerable queen, then approaching the sixtieth anniversary of her accession to the throne, exerted her personal influence directly and effectively toward conciliation. With such authoritative utterances as the real voice of England, it was not surprising that the British government presently began to coöperate with the American commissioners. It gave access to all sources of information within its control and facilitated the investigation in all possible ways. The investigation was not, however, to be completed. Before it had proceeded far, though far enough to demonstrate the thoroughness, the impartiality, and the benevolent spirit of the American commissioners, the British government signified its willingness to accede to the former suggestion of the United States, and to submit the entire boundary question to the judgment of an international tribunal of arbitration. The United States government of course gladly assented to this, and the work of the commission was discontinued.

A treaty was accordingly signed at Washington on February 27, 1897, by the representatives of the British and Venezuelan governments, providing for such disposition of the controversy. Under it there was formed an international commission of five jurists, to serve as a court of arbitration. Two were appointed by the British government: Lord Russell of Killowen, the lord chief justice of England, and Sir Richard Collins, a lord justice of appeals; two by the United States government: Melville W. Fuller, the chief justice of the Supreme Court, and David J. Brewer, a justice of that court; and the fifth by the four members already designated, Frederic F. De Martens, a distinguished Russian jurist. This commission met at Paris in the summer of 1899. The Venezuelan case was presented to it by Benjamin Harrison, Ex-President of the United States; Benjamin F. Tracy, a former cabinet minister of the United States; Mr. Mallet-Prevost, and the Marquis De Rojas. The British case was presented by Sir Richard Webster, Sir Robert Reid, and other eminent counsel. Beginning in June, the trial continued until October 3, when a verdict was rendered, which was in the nature of a compromise, giving a large area of inland territory to Great Britain, but giving to Venezuela the entire mouth and delta of the Orinoco and thus complete possession of that great river.

Few incidents in the whole history of Anglo-American relations have been the subject of more controversy than this. While, as already stated, Cleveland received hearty support from men of both parties during the crisis, he was afterward severely criticized, and his secretary of state, Olney, was still more severely criticized and even condemned, for what was regarded even by some of their political friends as needless harshness in dealing with a great and friendly power, and by their political foes as unscrupulous "jingoism" and the wanton affronting of Great Britain in order to favor a turbulent and ungrateful country which could not make so good use of the disputed territory as Great Britain could and would have done. It may be that Cleveland's message might have been framed in language which while not less explicit and resolute would have been less likely to give offense. For the rest, the criticisms of his course have been provoked chiefly by factional enmity to

the man, or by resentment at the later bad conduct of Venezuela in other matters. Some details of manner aside, Cleveland's course must stand approved, as practically necessary for the maintenance of American interests and principles. It is true that Great Britain might and would have made far better use of the disputed lands than Venezuela did or is likely ever to do. It may also be quite true that in itself that single act of aggression upon and spoliation of Venezuela would have caused no danger nor loss to the United States. On the contrary, it might have been commercially profitable to this country to have Great Britain supplant Venezuela in the control of the Orinoco. Nevertheless our neglect to take cognizance of the case would have involved a practical abandonment and consequent violation of the Monroe Doctrine, and thus would have established a precedent which might have proved almost infinitely mischievous. The prompt reversal of the British refusal to arbitrate, the unhesitating acceptance of the arbitral result, and the swift and complete disappearance of all traces of annoyance or irritation, are an agreeable vindication of the propriety of the American course in insisting upon arbitration of a dispute which was in every respect preëminently suited to such disposition.

There followed closely upon this animated and at times ominous controversy an important attempt to provide a permanent means of composing international disputes in a more prompt and systematic manner. Congress in 1890 had requested the President to invite, from time to time, as fit occasions might arise, negotiations with any Government with which the United States had or might have diplomatic relations, to the end that any differences or disputes arising between the two governments which could not be adjusted by ordinary diplomatic agency might be referred to arbitration and be peaceably adjusted by such means. The British House of Commons had, in 1893, adopted a resolution expressing satisfaction at this purpose of the American government, and a hope that the British government would coöperate for its fulfilment. Accordingly Olney and Sir Julian —afterward Lord—Pauncefote, the British ambassador at Washington, in 1896 negotiated a general arbitration treaty between the two countries, which was signed and laid before the Senate for ratification on January 11, 1897. This treaty provided for

the reference of pecuniary claims, and all other matters in difference, not involving title to territory, to arbitral tribunals in which the two governments should be equally represented and in which there should be an umpire mutually selected from some impartial power. The treaty was to be in force for five years, and further until terminated after a year's notice by either party. The Cleveland administration ended on March 4, 1897, before the treaty was acted upon by the Senate, but the McKinley administration, which succeeded, did not withdraw it, but earnestly desired its ratification. But the Senate, for reasons which were by no means convincing outside of its own body, first radically modified the instrument, and then, on May 5, declined to ratify it. In thus acting it was moved in some degree by factional animosities, in some degree by an unreasoning suspicion of or enmity toward Great Britain, and perhaps in chief measure by a timorous reluctance thus formally and specifically to commit the nation to a policy which had in fact been approved by it for more than a hundred years. The failure of these negotiations was much regretted, but caused no ill-will between the nations; nor was it for a moment accepted by the advocates of arbitration as a final defeat.

A noteworthy incident of both official and popular intercourse between Great Britain and America occurred in June, 1897, when the sixtieth anniversary of the accession of Queen Victoria was celebrated with unprecedented splendor. The United States government was represented on that occasion by a special ambassador, in the person of Whitelaw Reid, formerly minister to France and afterward ambassador to Great Britain, and his place in the august ceremonies conclusively indicated the closeness and cordiality of relations between the two great English-speaking powers. The passionate words of two years before and the menace of war, over the Venezuela boundary, seemed to have passed from memory, and the United Kingdom and the United States appeared to be more closely drawn together than at any other time in the history of their separate existence.

XXVI

SOME DIPLOMATIC MISCELLANY

THE generation following the Civil War saw many changes in American relations with Europe, and indeed with all the world, but these were in the main gradual rather than sudden, and were marked with few striking episodes. The construction of a successful and permanent telegraphic cable across the Atlantic Ocean, dating from July 28, 1866, conduced enormously to these changes, in a most beneficial way. Facilities for business communication and social intercourse were thus greatly increased. There was a similar expansion of public knowledge in each continent of current events in the other. It was also made possible to transact diplomatic business far more promptly and expeditiously than before. Indeed, this achievement probably did more than anything else in history, not excepting even the invention of steam navigation, to bring the two continents together in common understanding and sympathy, and its effects were soon perceptible in more than one gratifying direction. The first cable was between the United States and the British Isles. But three years later, on July 14, 1869, one was put into operation between this country and France. Since then the sumber of such lines of communication has steadily increased with the increasing demands of intercourse.

Intimacy of relations between the two continents was further promoted in 1867 by the holding of a great world's fair in Paris, at which the United States was largely represented, and which attracted great numbers of American visitors to the French capital and thence to other parts of Europe. In the half dozen years following our Civil War, in fact, there was an extraordinary and unprecedented increase of intercourse of all kinds between America and Europe, in both directions, and the two continents came to understand each other and to take in-

terest in each other more than they had done in half a century before.

The war between Prussia and Austria in 1866, being confined to land operations and not materially affecting commerce, called for little action by the United States beyond the formal and ordinary proclamation of neutrality. Public sentiment in this country, so far as it concerned itself with the matter, inclined toward the Prussian side. That was partly because of the old animosity against Austria which had arisen in Kossuth's time, and which was doubtless strengthened somewhat by the fact that it was an Austrian prince whom the emperor of the French had used as a cat's-paw in his attempt to override the Monroe Doctrine and to conquer and annex Mexico. It was partly because the genius and the great designs of Bismarck, which were then becoming more and more apparent, appealed strongly to the imagination and admiration of the American nation. It was also largely due to the much greater number of Prussians than of Austrians among the Teutonic immigrants to this country. There was, however, no danger of any violation of neutrality, and the diplomatic relations between the United States and the two belligerents remained undisturbed.

Four years later came the gigantic war between France and United Germany. In that the United States was much more deeply and directly interested, owing to the intimate relations between this country and France and the great volume of their reciprocal commerce. The official attitude of the American government was of course perfectly neutral. The sentiment of the American people was divided, and at times was strongly though not offensively manifested. The large German element which had been brought hither by immigration sympathized strongly with the Fatherland, while many non-Germans could not withhold their admiration of the genius of Bismarck, Moltke, and Roon, and the superb efficiency of the German army. On the other hand there was a considerable French element in our population, and a certain portion of the numerous Irish element strongly inclined toward the French side and against Germany. Nor were there lacking many Americans who, however much they condemned the Second Empire and its war-provoking conduct, felt powerfully drawn toward the Third Republic which

arose above the imperial ruins, and gave it their sympathy against monarchical and still somewhat autocratic Germany.

Diplomatic relations were maintained with both parties, unbroken. During the dual sieges of Paris the American minister to France, Elihu B. Washburne, remained at the legation, and was the only foreign representative who did so. He was therefore in a measure charged with the safeguarding of the interests of foreigners of all nations in that distressed capital, and he rendered services of value above all computation. His course in remaining there also notably ingratiated this country to France and confirmed cordiality between the two republics.

There arose at this time the important question of the recognition of the new government in France. Immediately after the battle of Sedan and the capture of the emperor by the German army, the National Defense Committee declared the emperor deposed and the empire abolished in favor of a republican form of government, and a provisional government was organized. The American minister was instructed to recognize this Government in case it had actual possession and control of power, was acknowledged by the French people, and was really a *de facto* government. It did meet these requirements, and accordingly, on September 7, only five days after Sedan, Washburne gave to the Provisional Government of the French Republic formal recognition, and was the first representative of any power so to do. Later, when the Communist insurrection temporarily expelled the Government from Paris, Washburne accompanied the latter to Versailles, still recognizing it as the only legitimate government, and established a temporary legation there, leaving, however, a secretary in charge of the permanent legation in Paris.

The new German Empire was also, of course, promptly recognized, by a letter addressed to its emperor by the President, on March 16, 1871, immediately after the proclamation of that empire at Versailles. It may be added that in 1870 the United States was also called upon to recognize the accession of the Duke of Aosta to the Spanish throne, to which he was elected by the Cortes on November 16. His reign was short, and upon his abdication, in February, 1873, the American minister, General Sickles, was instructed to recognize the Spanish republic as soon

as it was fully established. Later still, when the republic gave place to the restored monarchy, the new king was formally recognized.

The Universal Exposition which was held at Phildelphia in 1876 to commemorate the one hundredth anniversary of American Independence engaged the participation of practically all the nations of Europe and the world, and like its predecessor at Paris did much to increase the intimacy of international relationships. At about the same time American interest in a remote quarter of Europe was greatly aroused, though in an unofficial way. Long before an American philanthropist had founded at Constantinople the great institution known by his name as Robert College, and in it not only Turkish youths but also many Bulgarians and members of other Christian States in the Balkans were educated and were imbued with the principles of liberty and the desire to establish them in the regions which for centuries had suffered Turkish oppression. Some Bulgarian youths had also come to the United States for education, with the same effect upon them, in a still more marked degree. The Bulgarian uprising against Turkish oppression thus derived its chief inspiration from the United States. It was at first repressed, with a bloodthirsty savagery which has seldom been equaled in history. Then again American influences intervened. Two Americans, Eugene Schuyler and J. A. MacGahan, made tours of those regions and revealed to the appalled world the horrors of Turkish rule. It was chiefly their disclosures that aroused official and public opinion in Europe to an extent that made the intervention of Rumania and Russia inevitable, with the consequent freeing of the Balkan States from Ottoman dominion.

The principality of Rumania proclaimed its independence in 1877, and the next year its ruler assumed the title of royal highness. The President thereupon wrote to the prince, on August 15, 1878, notifying him of the appointment of a consul at Galatz and thus recognizing the independent Rumania government as fully as was possible in the absence of a congressional appropriation, for which the President had already asked, for the appointment of a regular diplomatic representative at the Rumanian capital. In 1880 the appropriation was made, and

Eugene Schuyler, one of those who had exposed the infamies of the Turks in the Balkans, was appointed to the post. Shortly afterward a Rumanian agent was sent to Washington. In 1881, Rumania was proclaimed a kingdom and its prince a king, upon which the congratulations of the United States were duly offered.

Servia also was declared independent, by the treaty of Berlin, of 1878. It did not receive diplomatic recognition from this country, however, until 1881, when Eugene Schuyler was authorized to negotiate a treaty with its government, and did so.

During the first term of the administration of President Grant there was an offensive attempt at renewal of the undiplomatic methods which Genet and some other foreign ministers in the United States had practised in the early years of the republic. The offender on this occasion was Catacazy, the Russian minister at Washington. There was then pending an American claim, that of the estate of Benjamin Perkins, against Russia. Catacazy undertook to exploit it into unwarranted significance, by conducting a systematic propaganda concerning it in private conversation and also in the public press; in some of his utterances becoming personally abusive of and insulting toward the President. He made attempts at officious interference in American legislation, and sought to use American newspapers for the influencing of pending questions contrary to American interests. He even went so far as to endeavor, both privately and publicly, to embarrass and to prevent the execution of the treaty of Washington, of May 8, 1871, between the United States and Great Britain. After enduring this offensive conduct for a long time, the secretary of state wrote to Andrew G. Curtin, our minister at St. Petersburg, that Catacazy had impaired his usefulness to his own Government and rendered it highly disagreeable to have any communication with him, either social or diplomatic; and that in these circumstances the President hoped that for the sake of both countries the head of the Russian legation would be changed. Curtin conveyed this to Westmann, the assistant chancellor of the Russian Empire, who regarded it as a very serious matter, but attributed it to the evil machinations of those who wished to disturb good relations between America and Russia, and declined to mention it to the emperor until the return of the chancellor, Prince Gortchakoff.

That was in June, 1871. Two months later Fish telegraphed to Curtin his disappointment at the failure of the Russian government to withdraw Catacazy, especially in view of the approaching visit of the emperor's brother, the Grand Duke Alexis, to this country. The president, he declared, could not be expected to receive Catacazy as the principal attendant of the distinguished visitor. This despatch was communicated to the emperor, who asked that all action be deferred until after the grand duke's visit. To this somewhat presumptuous request, which the President would have been justified in rejecting and resenting, Fish replied that Catacazy would be tolerated until the end of the grand duke's visit, but that he must not presume to approach the President save in the grand duke's company; that even then the President would hold no conversation with him; and that at the end of the visit he must be recalled under pain of being dismissed. Catacazy's response was to increase his offensive activities, until Fish was compelled to inform him that his passports were being prepared and would be handed to him without waiting for the grand duke's visit to be completed. This brought the insolent culprit to terms. He transferred all the business of the legation to General Gorloff, and informed Fish of that fact, adding that if he might be permitted to accompany the grand duke during the remainder of his tour, he would immediately thereafter quit the country. To this request Fish, with uncalled-for generosity, acceded, though he warned Catacazy that any further commission of his offenses would result in his immediate expulsion. In connection with this case Fish enunciated this rule, as the fixed policy of the United States:

"The official or authorized statement that a minister has made himself unacceptable, or even that he has ceased to be *persona grata* to the Government to which he is accredited, is sufficient to invoke the deference to a friendly power and the observance of the courtesy and the practice regulating the diplomatic intercourse of the powers of Christendom for the recall of an objectionable minister. The declaration of the authorized representative of the power to which an offending minister is accredited is all that can properly be asked, and all that a self-respecting power could give."

This same principle at times has operated against American diplomatic representatives. Thus in 1885 President Cleveland appointed A. M. Keiley to be minister to Italy. The Italian government objected to him, and declined to receive him, on the ground that in 1871, at Richmond, Virginia, he had publicly denounced the government of Victor Emmanuel for taking possession of the States of the Church and of the city of Rome as the capital of United Italy. The American government was compelled to acquiesce in this action of Italy, and the offensive appointment was withdrawn. With strange fatuity, however, Cleveland then appointed Keiley to be minister to Austria-Hungary, only to have that power in turn refuse to receive him on the ground that Mrs. Keiley was a Jew and would therefore be unacceptable as a member of court society at Vienna. This appointment had therefore also to be withdrawn, and the mission to Vienna was left vacant for more than a year, while Keiley was consoled for his rejection by being made a judge of the international tribunals in Egypt. It may also be recalled that in 1877 Thomas Russell, the American minister to Venezuela, was dismissed by the Government of that country because of the publication of one of his reports to the state department containing what the Venezuelans considered to be a calumnious and insulting reflection upon that country. In 1891, also, China refused to receive Henry M. Blair as minister, because of the prominent part which as a senator he had taken in legislation for the exclusion of Chinese immigration.

The international tribunals in Egypt, to which reference has been made, were established in 1876, as substitutes for the consular courts in maintaining the principle of extraterritorial jurisdiction. They comprised a complete judicial system, at Cairo and Alexandria, for the trial of cases occurring between foreigners and natives. The United States joined with the European powers in constituting them, and a number of American judges were appointed to them.

The question of the right of expatriation and of the conditions of naturalization was taken up for final settlement in 1868. Before that time, as already related, the common-law rule generally prevailed, that expatriation was not purely voluntary, but could be effected only with the consent of the Government whose

allegiance the subject wished to renounce. But the enormous increase of immigration to the United States, consisting almost exclusively of persons who wished to become citizens of this country and who had not obtained the consent of their old home Governments to such expatriation, in time moved the United States government to reverse its policy and to recognize for itself and to demand from others recognition of the right of voluntary expatriation. That change of policy was of course dictated purely by selfish interest. The United States wanted to receive these new citizens, and also to be able legally to protect them as its own citizens at home and abroad.

In 1868, then, Congress enacted laws on the subject, declaring the right of voluntary expatriation, and negotiations were entered into with various countries, particularly those from which most immigration came, to secure their recognition of the same principle, a principle exactly contrary to that which had generally prevailed throughout the world from time out of mind. The first treaty to that effect was made on February 22, 1868, with the North German Confederation, and it was followed with similar treaties with Bavaria, Baden, Wuertemburg, and Hesse, all in that same year and all negotiated by George Bancroft, the United States minister at Berlin. Under them it was provided that a citizen or subject of one country who should have become naturalized under the laws of the other, and should have resided there uninterruptedly for five years, should be considered to have become in all respects a citizen or subject of the latter country. The German Empire on its formation in 1871 insisted and subsequently maintained that none of the treaties applied to the so-called Reichsland of Alsace-Lorraine, which was owned by the whole empire and was in a status comparable with that of American territories owned by the United States but not yet admitted to the Federal Union; and it therefore required that release from the old nationality should in every case be secured, by special petition, before the validity of American naturalization of a Reichslander would be recognized. In 1911 Alsace-Lorraine was promoted from its territorial status to be one of the constituent Federal States of the German Empire, and then it was reasonably to be assumed that that exception from the expatriation rule lapsed, and that

immigrants to the United States from that country could voluntarily expatriate themselves in five years, on equal terms with those from the other German States.

Similar treaties concerning expatriation and naturalization were made with Belgium in 1868, with Sweden and Norway in 1869, with Great Britain and with Austria-Hungary in 1870, and with Denmark in 1872. On various occasions, however, there arose controversies, especially with the German government, concerning the status of young men who had fled to the United States to escape compulsory military service. It was insisted by the German government that such men were in fact lawbreakers, and that they were subject to being arrested if they should return to Germany, and to being compelled either to serve in the army or to suffer the legal penalty of their evasion of that duty.

The principle was established in 1872 that the United States would not receive paupers or "assisted" immigrants, sent hither by foreign governments or charitable organizations. In after years much vigilance was required for the enforcement of this salutary rule, as organized efforts were made to treat the United States as the common dumping ground of the world's paupers, wastrels, and other defective classes. In 1875 the importation of laborers under contract was prohibited, and in 1891 there were made further restrictions against idiots, insane persons, paupers, criminals, diseased persons, polygamists, and assisted immigrants. In 1884 the imposition of head money upon immigrants was abolished.

The increase of immigration to this country greatly enhanced, also, interest in the subject of extradition, and many more or less serious controversies arose over it, both in demands by the United States for the return of fugitive Americans and in demands from other countries for the surrender of criminals who had escaped from them amid the multitude of emigrants. Although there has never been any judicial determination of the case, it has always been accepted as a fundamental principle that extradition, either demanded or granted, must be an act of the National Government and not of a single State, and that rule has invariably been followed. At an early date, as already recorded, extradition for certain offenses was provided

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for in a treaty between the United States and Great Britain, and from time to time similar treaties were made with other powers, and from time to time, also, these were amended so as to include a larger number of offenses. In some cases extradition was granted as an act of international comity when no treaty provisions to that effect existed. One notable case of this kind was the surrender of the notorious public thief, William M. Tweed, by Spain, in advance of the conclusion of an extradition treaty with that country, in 1877.

Controversies over extradition have arisen chiefly over two points. One is, the offenses for which the surrendered fugitive can be tried and punished. On one occasion, as already related, the United States endeavored to secure the surrender of a person on one charge and at the same time to reserve to itself the right to try him on any other charges which might be preferred. The British government refused to surrender him on those terms, but demanded that he should be tried solely on the charges on which he was extradited. As the United States would give no such pledge, he was never extradited. It has now come to be generally recognized that the British contention in that case was correct, and that principle is embodied in the extradition treaties which have since been made.

The other point, which indeed is closely connected with that already stated, has to do with the definition and status of "political offenders." The United States has always maintained the principle of inviolable political asylum, and has consequently refused to surrender to other Governments fugitives whose offenses were purely political. The question what constitutes a political offense has not, however, always been easy to answer. At times immunity from extradition under that plea has been sought for men guilty of arson, murder, and other atrocious crimes. The United States has sought judiciously to discriminate between offenses against a Government as a Government, which are clearly political crimes, and offenses against the members of a Government as individuals, which as clearly are not to be considered political crimes, but common felonies. For men to organize a revolution and to take up arms for its prosecution, are political offenses. For a man to assassinate a sovereign or minister of state is a felony and is not to be condoned as

a political offense. In many cases, however, efforts have been made, particularly by the Russian government, to secure the surrender of fugitives on more or less fictitious charges of felonies, in order that they might be punished for political conspiracies. The United States has always refused extradition in cases where there was reason to believe such to be the object of the applying power.

Extradition treaties or conventions were made with Austria-Hungary in 1856, Baden in 1857, Bavaria in 1854, France in 1842 and 1845, Hanover in 1855, Sweden and Norway in 1860, Switzerland in 1850, the Two Sicilies in 1855, and Venezuela in 1860. Subsequent treaties on the same subject were made with Belgium in 1874, 1882, and 1902; with Bolivia in 1900; with Brazil in 1898 and 1903; with Chile in 1900; with Colombia in 1888 and 1891; with Denmark in 1902; with the Dominican Republic in 1867; with Ecuador in 1872; with Great Britain in 1889, 1890, and 1900; with Guatemala in 1903; with Italy in 1868 and 1884; with Japan in 1880; with Luxemburg in 1883; with Mexico in 1861 and 1902; with Holland in 1880, 1887 and 1894; with Nicaragua in 1870; with Norway in 1893; with the Orange Free State in 1876; with Peru in 1870 and 1899; with Russia in 1887; with Salvador in 1870; with Servia in 1901; with Spain in 1877 and 1882; with Sweden in 1893; with Switzerland in 1900; with Turkey in 1874; and with Wuertemburg in 1868.

One of the most vexatious problems in our relations with certain European countries for many years has been that relating to their intolerant discrimination, not only against their own subjects, but also against American citizens, on account of religious faith. The chief offender has been Russia, with her savage proscription of the Jews. As early as 1873 her treatment of American citizens of the Jewish faith who visited or sought to reside in her domains caused the American minister, Marshall Jewell, to report upon the matter in strong terms to our Government, whereupon the secretary of state, Hamilton Fish, formally protested against such conduct by Russia as a "relic of illiberality" and, when manifested toward American citizens, as a violation of the treaty of 1832 between the two countries. The Russian government replied, with characteristic arrogance, that the treaty must be interpreted in accordance with the require-

ments of Russian domestic law and police regulations. This answer was not at all satisfactory to the United States, but it was all that could be secured at the time, and the importance of the matter did not seem to warrant any further action.

With the increase in intercourse between the two countries, however, the subject increased in importance. Myriads of Russian and Polish Jews came to the United States to escape the oppressive discrimination which they suffered in the old country, and frequently, after acquiring American citizenship, some of them desired to revisit the old country, for business purposes, or to bring hither other members of their families. The Russian government in many cases refused to permit them to enter its empire, or subjected them to offensive and degrading conditions; and even did the same to American Jews who were not of Russian origin. Against these practices William M. Evarts, secretary of state, in 1880 vigorously protested through John W. Foster, the American minister to Russia, but to no avail. The Russian government replied in effect that its domestic laws and police regulations were none of our business and were superior to any international treaty. In 1881 Blaine, with his vigorous and aggressive foreign policy, took the matter up and argued at great length that the expulsion and exclusion of American Jews from Russia must be accounted a violation of treaty rights, but his representations were no more effective than those of his predecessors. Frederick T. Frelinghuysen, secretary of state, in 1884 and 1885, through Alphonso Taft, minister to Russia, conducted a similar controversy with the Russian government. So did Thomas F. Bayard in 1886 through George V. N. Lothrop, with no better results. In 1895 Richard Olney, Cleveland's secretary of state, through Clifton R. Breckinridge, minister, demanded and secured from the Russian government a categorical statement of its policy and contentions in the matter, in which the supremacy of domestic ordinances over international obligations was again declared. John Hay, secretary of state, made to Congress at its request in 1902 a detailed report upon the subject, taking the ground that Russia was clearly violating the provisions of the treaty of 1832.

The failure of the American government to take some decisive action for the vindication of its rights and the protection of its

citizens must be ascribed largely to causes which are not at all creditable. There was in the first place the legend of Russian "friendship" for the United States and there was also a certain animosity toward England, which was cultivated for partizan and factional purposes. Russia was held to be "our traditional friend" and England "our hereditary foe." Therefore there was always a considerable party in Congress and elsewhere ready to oppose anything which would offend Russia. Indeed, the reports of Russian oppression of the Jews were more than once seriously declared to be nothing but British calumnies against America's "traditional friend." Again, the Jews were at first not an important factor in American politics, certainly not at all comparable with the Irish, who formed the anti-British party. But the process of events in time corrected these conditions. Jewish immigration from Russia and other countries enormously increased, until that element of our population far outnumbered the Irish. New York, which had long been known as the largest Irish city in the world, became also the largest Jewish city, and its Jewish population and vote outnumbered the Irish. The intelligence and industry of the Jews, moreover, in time gave them leadership in politics and undisputed primacy in business. Then their demands for redress of wrongs became potent. Congress listened to them and determined upon action. With the lack of discretion which had too often characterized that body, it undertook to go about the matter in a needlessly offensive way. The House of Representatives in the fall of 1911 adopted by a vote of 300 to 1 a resolution giving notice of abrogation of the treaty of 1832 with Russia on the ground of that country's violation of it. The Russian government indicated to our state department that while it did not dispute the right of this country to abrogate the treaty, the phraseology of this resolution was offensive; as in fact it was. The Senate thereupon refused to accept the House resolution but prepared a substitute to the same effect but more diplomatic in form. This was unanimously adopted by the House as a substitute for its intemperate draft. But meanwhile the President, William H. Taft, had properly taken the whole matter into his own hands, and had in conformity with diplomatic usage informed Russia of the intention of the United States to abrogate the treaty of 1832 at the end of

a year, as provided by the treaty itself, so that the adoption of the Senate's resolution was nothing more than a ratification of his action. The notice became effective on January 1, 1912, and the treaty was therefore abrogated on January 1, 1913. Steps were at once taken to negotiate a new treaty on a basis satisfactory to the United States, but the stubborn unwillingness of Russia to accord equal rights to Jews made progress slow and the outlook unpromising.

On several occasions the United States government expressed its regret at the oppression of Jews in Rumania, but as no treaty rights were involved, there was no occasion for diplomatic action.

The protective tariff system, which was established in the United States at the beginning of the Civil War, became in time an indirect cause of diplomatic controversy and friction with several European powers, particularly France and Germany. A tariff being a matter of purely domestic enactment, it was impossible for any foreign Government to dispute our right to make it as pleased ourselves, even though, as was often the case, it bore hardly upon the trade and industries of others. Following the creation of the German Empire and the new French Republic, however, those countries adopted protection, in a much higher degree than the United States, and both framed their laws with some view to retaliating against the United States for what they regarded as our hostile tariff system. When these enactments failed of their desired effect—which was, either to compel a lowering of American tariff rates in favor of Europe or to exclude American goods from European markets—other more strenuous measures were adopted, which were properly subjects of diplomatic representation and discussion.

Chief among these were laws in both the countries named excluding altogether from their markets American pork meats, on the alleged ground of their unhealthfulness. It was charged that much diseased meat was being shipped from this country, to the peril of all who might purchase it. This charge was grossly exaggerated, and was merely a mask for the real purpose, namely, to destroy American competition with the domestic product. The result was, however, to raise meats in the markets of those countries to almost prohibitive prices, and in consequence great dissatisfaction arose there. The matter was taken

up diplomatically by Whitelaw Reid, the American minister to France during the Harrison administration, 1889–93, with the result that in 1891 he secured a repeal of the prohibitory legislation. In the same year the American minister to Germany, William Walter Phelps, secured a similar repeal of a prohibitory law which had been in force since 1883. These ministers also negotiated reciprocity treaties with those countries, under which American food products were to be admitted to Germany at specially low rates of duty, and in return some products of those countries were to be freely admitted into the United States. In 1892 under the provisions of the McKinley tariff law reciprocal trade relations were also established with a number of the countries of Latin America. These arrangements lasted, however, only a short time, for a new tariff law without reciprocity was enacted under the Cleveland administration in 1894. The Dingley tariff of 1897, under the McKinley administration, reëstablished the system of reciprocity, and in 1899 and 1900 John A. Kasson as a special commissioner negotiated reciprocity treaties with France, with Great Britain for some of her colonies, with Denmark for her colonies, and with Nicaragua, Ecuador, and Argentina; but these were never acted upon by the Senate.

American relations with Italy have generally been intimate and friendly. There was a strong sympathy between the two countries at the time of the unification of Italy by Garibaldi and Victor Emmanuel, and while repeated efforts were made to involve this country in the conflict between church and State our Government discreetly held aloof therefrom. With the abolition of the temporal power of the pope and the occupation of Rome and the former States of the Church by the civil Government, all diplomatic intercourse between the United States government and the Vatican was abolished. One single dispute of a serious nature has arisen between this country and the Italian government, and that was so grave as to cause a complete rupture of intercourse and in the opinion of many no little danger of military hostilities. The root of this trouble lay in the old issue which had arisen before the adoption of the Constitution, and which unfortunately was not abated by that instrument, namely, the lack of authority of the General Government to enforce its

own treaty obligations against the opposition or neglect of States.

One night in October, 1890, the chief of police of the city of New Orleans, Louisiana, was murdered in the street, and a few weeks later a score of Italians were indicted for the crime. In February and March following they were tried. Three were found not guilty, and in the cases of three others the jury disagreed. It was rumored that this result had been effected by bribery of jurors by friends of the prisoners, and there was a widespread feeling that there had been a gross failure of justice. A mass meeting of citizens was called on the night of March 15, 1891, to consider the matter; which promptly resolved itself into a lynching party, proceeded to the prison, and shot to death eleven of the prisoners, including the six who had been tried. The Italian government instantly protested against this outrage, and demanded protection for Italian subjects in New Orleans and punishment of the murderous mob. The United States government expressed its horror and regret at the occurrence, and declared that every effort would be made to prevent further attacks upon Italians. The Governor of Louisiana reported that the attack had been directed solely against the individuals and that there was no danger of anything like a race war or a general campaign against Italians. Moreover, it was stated that most of the prisoners had been naturalized citizens of the United States, in whom the Italian government was no longer concerned. The Italian government insisted, however, that an indemnity was due, in cash, and that a mere expression of regret by the United States was not sufficient. At that time James G. Blaine was secretary of state in the cabinet of President Harrison, the Marquis di Rudini was the Italian minister for foreign affairs, and Baron Fava was the Italian minister at Washington, and by these three the subsequent negotiations were conducted. Blaine at first assumed that the men who had been lynched were American citizens, and called upon Fava for proof to the contrary. This was forthcoming, and it was shown that three of the men were subjects or citizens of Italy, while six more had merely declared their intentions to become naturalized and were thus still under Italian protection, and only two were American citizens. On this showing Rudini repeated his demand for

indemnity and punishment of the mob, under penalty of severing relations with this country.

Blaine then harked back to the entirely true but also entirely lamentable plea of the "baby act." Under our dual system of Federal and State governments, he said, it was impossible for the United States to act, at least until the State of Louisiana had done so. The crime of the mob had been committed not against the Federal Government but against the State of Louisiana, and the offenders must be punished by the state courts. At any rate, nothing could be done in response to the Italian demands until a thorough investigation had been made. At this Fava announced his withdrawal from the Italian mission, under orders from his Government. The American minister was also soon after withdrawn from Rome. Correspondence was, however, continued, with a show of courtesy on both sides but with an unmistakable undertone of bitterness. Blaine was the exponent of what was vaunted as a "vigorous" foreign policy, the keynote of which too often seemed to be that whatever this country or its citizens did must necessarily be right. Rudini also was an "aggressive" diplomat, who was intent upon enhancing Italy's prestige as a great power. For a year, therefore, the two Governments were at loggerheads. Then the United States yielded as gracefully as it could. It intimated to the Italian government that while it was unable to interfere with the administration of justice in a sovereign State, it would voluntarily pay a cash indemnity for the massacre. This offer was received by Rudini with much cordiality, and Blaine accordingly paid the sum of $25,000 out of the funds of the state department. This was accepted by the Italian government with expressions of satisfaction and was divided by it among the families of the murdered men; the Italian minister returned to Washington and the American minister to Rome; and entirely cordial relations were reëstablished between the two Governments and countries. The incident was, however, taken much to heart by thoughtful Americans, and efforts, which were not at once successful, were begun to secure the enactment of legislation which would give the Federal marshals and courts jurisdiction in cases of offenses against aliens.

Again in 1895 three Italians were killed and two were injured

by a mob in Colorado, for which the United States paid an indemnity of $10,000. The following year a similar incident occurred in Louisiana, three Italians being lynched, and an indemnity of $6,000 was paid.

Occasional controversies arose with the Turkish government over the privileges of missionaries and American schools in that empire, in which the porte usually proved itself amicably disposed toward this country and compliant with its wishes. In the conflicts between Turkey and the Balkan States, and between Turkey and Italy in Tripoli, which culminated in 1913 in the almost complete destruction of the Turkish Empire in Europe, the United States had only a remote and detached interest.

Among incidents which promoted popular interest and sympathy among the nations were the gift of the Bartholdi Statue of Liberty Enlightening the World, from France to America in 1886; the sending of relief from this country to the famine sufferers in Russia in 1892; and the holding of a world's fair at Chicago in 1893 to commemorate the four hundredth anniversary of the discovery of America by Columbus. In 1867, 1878, and 1892 the United States took part in international monetary conferences at Brussels, at which efforts were vainly made to reëstablish and to maintain a fixed ratio between gold and silver for currency purposes. This country, also, as perhaps of all the most interested, participated in 1884 in an international conference at Paris at which twenty-five powers were represented and at which a convention was made for the protection of submarine cables. In that year the British minister at Washington proposed the making of an international compact for the prohibition of trade in intoxicating liquors and firearms with the natives of the South Sea Islands, but in 1885 the secretary of state, Bayard, declined to enter into such an arrangement, though he expressed sympathy with its purpose.

From an early date the United States suffered the unenviable reputation among the nations of the world for literary piracy. It made no laws nor treaties providing for international copyright, but left its publishers free to steal the works of foreign authors and to reprint them here at will without the slightest compensation. A few American firms honorably distinguished themselves by voluntarily paying the foreign authors the same

royalties that American writers would have received under our domestic copyright laws, but the majority practised thievery pure and simple. In 1885 an international copyright convention was held at Berne, Switzerland, at which the United States was represented by a delegate, who did not, however, sign the protocol which was there adopted, nor did this Government commit itself in any way to the results of the gathering. In 1891, despite the bitter opposition of the advocates of continued piracy, Congress enacted a law providing for the copyrighting of foreign works under certain conditions which afforded partial relief, and under the provisions of that law copyright reciprocity was established between the United States and the chief European countries.

The United States in 1888 invited all nations to send delegates to a conference at Washington to devise rules of navigation, for the prevention of collisions at sea. The conference met, with twenty nations represented, in the fall of 1889, and rules were adopted which did not become effective, however, until 1897.

A conference was held at Brussels in 1890 for the suppression and prohibition of the slave trade on the East Coast of Africa and for the prohibition of trade in liquors and firearms with African natives. The United States took part in this together with the nations of Europe, Persia, the Kongo State, and Zanzibar, and signed the general act which was there adopted.

The Kongo State, which has been mentioned, was formed in 1879 by the International Association of the Kongo in consequence of the discoveries and explorations of a naturalized American citizen, Henry M. Stanley, in the employ of the King of the Belgians. In 1884 the United States first of all powers formally recognized the flag of the Kongo State as that of an independent and friendly country, and in this action was promptly followed by the nations of Europe. At the same time Congress made an appropriation for the appointment and maintenance of a consular agent there. A congress of the powers was then held at Brussels, to consider means of keeping the Kongo territory open to the commerce of the world. In that the United States was represented, and this country became a signatory of the General Act which was there adopted. The ratification of that act by the Senate was not requested, however,

in order that this country might avoid being involved in anything like an alliance with the European powers for the maintenace of the neutrality of the Kongo.

Another African country in which the United States has had much interest is the Republic of Liberia. This Negro State was founded in 1822 by the American Colonization Society, an organization which vainly hoped to solve the slavery problem by taking the Negroes back to Africa and establishing them in colonies there. In 1824 the United States sent a naval expedition to assist the Liberians in organizing a civil government, and then for some years left the colony to its own devices. Webster, as secretary of state, in 1843, however, announced through Everett, the American minister to England, that the United States took a deep interest in Liberia and was inclined to give to that country a degree of countenance and protection, and a little later Webster's successor, Upshur, told the British minister at Washington that the United States would be very unwilling to see Liberia despoiled or oppressed. There is little doubt that only this known attitude of the United States protected the African republic from being added to the colonial empire of some European power.

A formal treaty was made between the United States and Liberia in 1862, and an American commissioner and consul was sent to that country. In 1879 a false report was circulated that France was seeking to establish a protectorate over Liberia, whereupon the United States expressed a marked unwillingness to see that done. In 1882, Frelinghuysen, our secretary of state, benevolently interested himself in a boundary dispute between Liberia and Great Britain, as a friend of both but with the special purpose of safeguarding Liberia's rights and welfare. Two years later French aggressions provoked from Frelinghuysen the warning that their continuance would produce a most unfavorable effect upon the minds of the American government and people; and again in 1892 and 1893 this country was compelled to interpose its remonstrances against the danger of French spoliation.

XXVII

EMBROILMENT AT SAMOA

SAMOA is a small country, but American dealings with it loom large in the history of our foreign relations, chiefly as an example of maladroit departure from sound principles and of blundering which narrowly escaped disastrous results. Our relations with those islands involved from the beginning direct violation of two of the oldest and best principles of our foreign policy, namely, that the United States should refrain from intervention in the domestic affairs of other nations, unless, of course, in the necessitous emergency of its own self-protection; and that it should avoid entangling alliances with other and particularly with European powers. In the Samoan episode it did intervene in the affairs of another nation, and it entered into an entangling alliance with two rival European powers; and it did both without justification.

The little group of Samoan Islands, in the South Pacific, became at an early date an object of interest to the traders of several nations, including the United States. The beauty of the islands, their wealth of natural products, the intelligence and amiability of their inhabitants, their location with respect to trade routes across the Pacific, and the capacity and security of at least one of their harbors, that of Pago-Pago, attracted attention and excited cupidity. But, as in the case of Hawaii, the rival interests of several powers served as counterpoises and for many years protected the islands from seizure or control by any one. Unhappily, there was no protection of the islanders from the malign influences of dishonest and immoral traders, and there soon appeared the characteristic corruption which too often results from the contact of selfish civilization with unsophisticated primitive society. The Samoans were by no means savages when Americans and Europeans first visited them. They were a primitive people of superb physical development, of excellent mental capacity, of good morals, and of a singu-

larly kindly and hospitable disposition. But the invasion of sordid self-seekers from America and Europe soon involved them in both physical and moral decay, and made their once peaceful islands the scene of savage wars.

The three powers which participated in the exploitation of Samoa were the United States, Great Britain, and Germany. All three were represented by commercial agents at Apia, the chief town of the islands, as early as 1850. Four years later a great German corporation, Godeffroy & Co. of Hamburg, established itself upon the island of Upolu, with offices at Apia, and systematically undertook to secure a monopoly of trade and control, commercial and political, of the entire group. It soon acquired, by purchase and otherwise, title to a large area of the island, made extensive cocoanut plantations, and developed a highly profitable trade. This success aroused the envy of British and American traders, who sought vainly to emulate it, and who unfortunately resorted to political methods to discredit, if possible, the Germans. The result was the arising of faction among the natives. Intertribal conflicts arose, and the islands rapidly drifted toward chaos.

Official relations between the United States and Samoa began in 1872. At that time Rear-Admiral Meade, of the United States navy, while cruising in that part of the Pacific, visited the islands and noted the superb proportions of the harbor of Pago-Pago, on the island of Tutuila. It would be, he perceived, of great value as a coaling station, and a harbor of refuge and refreshment, and accordingly, upon his own authority, he made a compact with a local chief, under which the United States should have the exclusive privilege of thus using that harbor. The compensation for this grant was to be the protection of the United States, extended to the chief in his local rulership. Meade reported this transaction to the Government, but failed to secure its approval. The President and Senate declined to sanction the promise of "friendship and protection" to the native chief, and the bargain therefore practically lapsed, though the chief, not understanding the provisions and requirements of the American Constitution and the need of senatorial ratification of treaties, assumed the compact to be valid and himself to be entitled to American protection.

Representations were made to the Government, however, concerning the commercial importance of the islands and the increase of American interests there, with the result that in 1873 the President sent an agent, Colonel A. B. Steinberger, as United States commissioner to Samoa, to investigate conditions, prospects, and needs there, and to report upon them. As a sequel to his report, he was in 1874 directed to revisit the islands and to observe and to report upon the progress of affairs, and also to impress upon the native rulers a sense of the lively and benevolent interest which Americans took in their welfare. The President was, however, unfortunate in his choice of this agent. Steinberger was an American citizen and officer, but he was also, as his name indicates, of German origin, and he appears to have felt a certain divided affection between the land of his origin and that of his adoption. At any rate, instead of returning to Samoa and executing his instructions, he repaired to Hamburg and placed himself in connection with the corporation of Godeffroy & Co. Thence he did indeed proceed to Samoa as United States commissioner in name, but in fact as an agent of the German firm.

He reached Samoa in 1874, and then trouble began. He found marked dissensions prevailing between two members of the royal family, each aspiring to the title and rank of king. Steinberger at once entered into political intrigues, and presently succeeded in getting the Samoan constitution so amended as to further his designs. Then he got Malietoa Laupepa generally acknowledged as king, and himself appointed prime minister. The principal argument which he used in persuading the Samoans to adopt this policy was an assurance that the islands were already under the complete protection of the United States. When news of these extraordinary doings reached Washington, however, Congress quickly ordered an investigation, and in consequence, in May, 1876, the Senate formally denounced the pretension of a United States protectorate over Samoa, disavowed any purpose of intervening in Samoan affairs, and practically repudiated Steinberger and all his works.

The next move, quickly following, was made by Great Britain. A vessel of the British navy visited Apia, and appeal was made to its commander by the British residents and traders

there for his protection. In fact, matters were in a bad way, with civil war raging and Steinberger playing one hand against the other, American political against German commercial interests. The outcome of the appeal was that the British captain intervened, seized and deported Steinberger, and dethroned and imprisoned Malietoa. Those strenuous measures did not, however, pacify the islands, but rather increased the hostilities among the various factions, until presently in despair the leaders of the Samoan people prayed for a British protectorate to save them from themselves and from the Americans and Germans.

When that became known there was a violent sensation at Apia. Americans and Germans both realized that there had entered into the problem a new and formidable factor, which was likely to prove dominant and to eliminate both of them. For self-protection, therefore, they decided to unite against the common foe. Commercial rivalries and political intrigues were laid aside in the face of the menace of British annexation of the islands.

Instead of following the example which had been set years before in Hawaii, of insisting that the independent sovereignty of the Samoan native government should be recognized and maintained, the American agent in the islands adopted the policy of meddling in Samoan affairs and of entering into entangling intrigues with the German government. In pursuance of this ill-advised course he raised the American flag over Apia and proclaimed an American protectorate over the islands. Later, a British commissioner, backed up by a warship and a squadron of marines, visited Apia to make a treaty or to extort it from the king. Again the American flag was displayed and the American protectorate was proclaimed. This conduct of the American and German agents had the effect of defeating the designs of British annexation. It was, however, quite unauthorized, and as soon as it became known at Washington it was disavowed by the Government. When in 1877 Mamea, one of the principal chiefs of Samoa, visited Washington as the authorized representative of the islands, to negotiate for the fulfilment of what he supposed to be the American promise of a protectorate, he received no encouragement. He offered the out-

right gift of the islands to the United States if this country would take them, but this was declined with thanks.

He did, however, succeed in making an important treaty with the United States, on January 16, 1878. Under this instrument Samoa granted to the United States the privileges at Pago-Pago which Rear-Admiral Meade had sought to secure years before; adding that the Samoan government itself would never exercise any authority or sovereignty at Pago-Pago which might interfere in any way with the rights and privileges of the United States. Indeed, this action amounted to little less than the complete cession of that valuable port to this country. The equivalent consideration for this important grant was a pledge that the United States would employ its good offices for the purpose of adjusting upon a satisfactory and solid foundation any differences which then existed or which might thereafter arise between the Samoan government and any other power with which the United States was on terms of friendship. This was not a pledge of protection, but a mere promise to use those mediatorial offices which any power might similarly employ between any others. It might mean much, or it might mean nothing at all. Yet there were those in American who deemed it rash, in view of the predominant German commercial interests in the islands and the prospect that Germany would on that ground eventually seek to annex the group to her colonial empire; as she did.

A year later Great Britain and Germany both secured similar treaties with Samoa, under which each gained the exclusive use of certain harbors and coaling stations. The privileges thus acquired by Germany were, as might have been expected, the most extensive of all, and in some respects they seemed to infringe upon the concessions already granted to the United States, or to violate the "most favored nation" principle. As a result the American consul and the American traders reversed their former policy, and instead of coöperating with the Germans against the British, they formed a combination with the British against the Germans. Meantime, as was to be expected, the internal dissensions and fightings in Samoa increased in violence and extent, until they threatened the devastation of the entire group and the practical extinction of commercial interests. To

protect themselves against such a catastrophe, the foreigners at Apia, Americans, British, and Germans, were at last constrained to hold their rivalries in abeyance to a certain extent, and to join in securing from both the warring native factions an agreement that a considerable area about Apia should be regarded as neutral ground, on which there should be no hostilities, and over which these three powers should exercise extraterritorial sovereignty. Substantially a tripartite protectorate was thus established. The three powers, or their consuls, in return promised not to intervene in any way in the domestic conflicts of Samoa.

This promise was not fulfilled. Within a year the three consuls got together, with the captains of the various foreign warships which were stationed at Apia, and agreed that Malietoa Telavu should be recognized as the rightful king of Samoa, and that all their united influence should be exerted in his favor. This action did not convince the Samoans, however, nor incline the opposing faction to accept this candidate for the throne, and the civil war continued, until a German cruiser ruthlessly bombarded and destroyed a number of villages and thus coerced the natives into at least an appearance of peace. The three consuls then made a bargain with Malietoa Telavu, in March, 1880, under which they were to support his Government and to maintain him in his place as king, and he was to accept three "advisers," an American, an Englishman, and a German, who in fact would govern the islands for him. His successor, in the event of his death, was to be chosen by the representatives of the three "protecting powers."

This was nothing less than a tripartite protectorate. It was meddling in the domestic affairs of Samoa, and it was involving the United States in an entangling alliance with Great Britain and Germany. The American and British governments, it is true, disclaimed the notion of a protectorate and protested that the scheme was nothing but an arrangement between the consuls and the Samoan government for the better protection of foreigners in the islands. But as a matter of fact the provisions of the compact as a protectorate were carried out. Malietoa Telavu was recognized and maintained as king, and when he died, in 1881, Malietoa Laupepa was chosen by the three powers

to succeed him, and was duly anointed and installed as king. To this the Samoan people did not entirely assent. A powerful faction favored the enthronement of the chief Tamasese as king, and began a struggle with that end in view. This conflict was checked and for a time held in abeyance by the mediation of Captain Gillis, commander of a United States warship, who benevolently persuaded the factions to agree to a compromise, under which Malietoa Laupepa was to be recognized by all as king, and Tamasese was to be made vice-king, with rights of succession. This arrangement was effected in July, 1881, and thereafter for a time peace prevailed in the islands. But the pernicious tripartite combination was maintained, the international rivalries continued in which each of the three nominal allies was secretly intriguing against the others, and the seeds of more serious troubles were rapidly germinating.

The storm broke at the end of 1884 or beginning of 1885. For several years Apia and its environs, where the wealth and commerce of the islands were chiefly seated, had been practically a foreign possession, under the exclusive control and administration of the representatives of the United States, Great Britain, and Germany, and the commercial propagandists of those three powers had been persistently extending their occupation of the surrounding lands, sometimes by nominal purchase but too often by simple appropriation. The native Government, with Malietoa as king and Tamasese as vice-king, occupied a seat of government in a neutral zone near Apia, but exercised an authority that was little more than nominal in any part of the islands. The three foreign elements, both official and commercial, moreover, while nominally coöperating, had really been hostile each to the others, and, worst of all, had not scrupled to employ the natives as their tools in their rivalries.

The Germans were by far the most numerous, the strongest, the most active and aggressive, and perhaps in some respects the least scrupulous of the three foreign powers. Their vast pecuniary interests, developed during a prosperous career of thirty years, gave them a feeling that they of right owned the islands and were entitled to the sovereignty of them. They regarded the Americans and British as little better than trespassers, and encouraged the natives to view them in a similar light. The

British were fewer, but little less aggressive. Their commercial interests were less, but their political ambition was perhaps greater, for that was a time of British imperial expansion. Moreover, British missionaries had been active in the islands and had made many converts, and thus had established a strong influence. The Americans were fewest of all and had least commercial interests. In one respect their political interests were also least, for they realized that the United States had no thought of annexing the islands. But they regarded with much repugnance the prospect of either German or British annexation, and therefore directed their political activities chiefly to obstructing and seeking to thwart the obvious designs of their rivals.

The three chief native actors in the impending drama were Malietoa Laupepa, Tamasese, and Mataafa. The first, the nominal king, was an aged man, of an amiable and generous disposition, who wished well for everybody, but who was weak almost to helplessness. Tamasese, the vice-king, was of a neutral character, neither good nor bad, and was regarded with indifference by the people, but was ambitious to succeed the aged Malietoa. The strong man of the three was Mataafa, who was out in the jungle, a potential insurgent. He was physically a powerful warrior, intellectually far above the average, and morally at least the peer of any of his countrymen. He was a loyal friend and implacable enemy, who loved his kinsman Malietoa and hated Tamasese. His ambition was to redeem Samoa from foreign domination, and to that end he wished himself to succeed Malietoa as king, instead of letting Tamasese do so, since he regarded the latter as a mere tool in foreign hands. Unfortunately, in early life Mataafa had incurred the wrath of a powerful kinsman who enjoyed a reputation as a prophet and who had predicted for him a future of evil, both for himself and for Samoa, if he should identify himself with public affairs. It was also predicted that while Mataafa would aspire to the throne he would never reach it.

In the fall of 1884 the German consul complained to Malietoa that some of the natives were stealing from the German planters. Their thefts were never important, amounting to nothing more than a handful of bananas or a few cocoanuts. But they served

as a pretext for complaint and for aggression. So upon the king's hesitation to take stringent action against some of his own subjects for petty misdemeanors, Weber, the manager of the Germany company, decided upon what seemed a master-stroke. In the temporary absence of the consul he constituted himself the official representative of the German government, and as such drafted a treaty by which Malietoa was practically to abdicate his judicial and administrative authority to Weber. This document he laid before Malietoa, with a peremptory demand that he sign it at once, before its contents were revealed to any one else; significantly directing his attention to the presence of several German warships in the harbor. Malietoa hesitated and demurred, and gained a little time in which to consider the matter; which he improved by appealing to the American and British consuls for advice and aid. He even went so far as to despatch to the British government a request for its immediate annexation of the islands. This enraged the Germans, who threatened the unhappy king with all manner of penalties for his temerity in venturing to seek other advice than theirs, and demanded that in addition to signing the treaty he should make humble apologies for his conduct.

In the end, Malietoa yielded. In November, 1884, he and Tamasese went to the German consulate, abased themselves in the dust, and signed the treaty. Immediately thereafter, however, the poor old king wrote a pathetic letter to the German emperor, protesting against the arrogance and dictation of the German consul and against the conduct of Weber in stirring up strife among the natives, and begging the emperor to compel an abandonment of practices which if persisted in would cause bloodshed in Samoa. He also detailed the circumstances in which he had been compelled to sign Weber's treaty, and begged the emperor on those grounds not to regard the instrument as valid. It was a most convincing state paper, in its childlike simplicity and obvious truthfulness, and was not without its effect at Berlin. The German government indeed disavowed the acts of both its consul and Weber. But it was too late.

Soon after the signing of the treaty, and before the Berlin government could repudiate his conduct, the German consul, Mr. Steubel, raised the German flag over Malietoa's headquar-

ters, on the neutral ground, and issued a proclamation to the Samoan people. In this utterance he denounced Malietoa for alleged misconduct toward Germany, and declared that he, as the representative of Germany, had taken possession of Apia and the neutral zone about it, including Malietoa's capital, to hold and to possess for the German government, which alone would thereafter rule in all that territory. He wrote to Malietoa at the same time, telling him that the conduct of himself and his followers toward Germany could no longer be tolerated. To the American and British consuls, who had promptly protested against his course, he wrote that he had attached the whole municipality of Apia in the name of the German government and that he proposed to hold it as security for the fulfilment of treaty obligations by the Samoan government; the obligations in question being, of course, those of the treaty which he had extorted from Malietoa. The American consul was naturally somewhat embarrassed in his protest against the German flag-raising by the recollection that a similar act had formerly been committed by an American consul.

Despite official disavowal of his conduct by the Berlin government, Steubel kept his flag flying for the whole year 1885, during which time relations between him and the other two consuls were decidedly strained. But he did much worse than that. Malietoa's conduct in humbling himself before the German consul had caused many Samoans to regard him with disfavor, and taking advantage of that circumstance the treacherous Tamasese began intriguing for the throne. In this he was aided and abetted by the German consul, and when Tamasese openly set up a rival establishment and declared himself a king, a German military officer and an agent of the German commercial corporation were detailed to dwell "near his court" as a token of German recognition and favor. The American and British consuls and their constituents, on the other hand, gave their countenance to Malietoa. But when the latter moved back into Apia and ventured to raise the Samoan flag above his house, the German consul pulled it down, and the other consuls did nothing but to utter a vain protest.

Admiral Knorr, with a squadron of three German warships, arrived in April, 1886, and opened negotiations with Tamasese,

quite ignoring Malietoa. He paid no attention to a letter which Malietoa wrote to him, and had a royal salute fired in honor of Tamasese, suggesting what was generally supposed, that Tamasese was about to be formally crowned king under German protection. Then at last the American consul, Mr. Greenbaum, was roused to action. In response to a pathetic appeal from Malietoa he raised the American flag at Apia and on May 14, 1886, proclaimed an American protectorate of that municipality. At the same time Steubel kept the German flag flying in token of German sovereignty. American and British warships arrived in the harbor. Tamasese organized a force, under German instruction and encouragement, with which to fight for the throne, and Malietoa, with American and British aid, organized a force for the defense of his rights. The greatest three powers in the world seemed at the point of war among themselves, in and over a group of coral islets in the South Seas.

The Washington government realized the seriousness of the situation, and bestirred itself to avert disaster. Unhappily, however, it failed to assert the sound and logical American policy which had been established by the founders of the republic and which had prevailed so successfully in Hawaii in not dissimilar circumstances. What was needed was a clear and resolute declaration that the United States sought no selfish acquisitions and meditated no aggressions in Samoa, and that it would countenance none by any other power, but would insist upon maintenance of Samoan independence. Perhaps the Washington government imagined that it had already strayed too far from that course to return to it, or perhaps it lacked the moral courage of vigorous self-assertion in the face of great European powers. At any rate it persisted in the fatuous policy of meddling in the affairs of another State and of forming embarrassing entanglements with European powers. The President, Cleveland, informed the British and German governments, through his ministers at their capitals, that Greenbaum's proclamation of an American protectorate at Apia was unauthorized and was repudiated. That was quite true and quite judicious. Then the secretary of state, Bayard, suggested to the German and British ministers at Washington the holding of a tripartite international conference over Samoa. That was not

so commendable, and its results were not profitable, but the suggestion was accepted with avidity by powers which were glad to see the United States depart from its traditional policy and deliver itself into the hands of alien intrigues.

A commission consisting of Messrs. Bates, American; Thurston, British, and Travers, German, was next sent to Samoa, in the summer of 1886, to observe and to report upon conditions. On their arrival at Apia the German and American flags were both hurriedly pulled down; the Germans abandoned their patronage of Tamasese and the Americans and British held aloof from Malietoa; and the three consuls were apparently on friendly terms. After some negotiations the representatives of Malietoa and his "government" and those of Tamasese and his "party" were persuaded to sign a compact to keep the peace. But the commissioners had little faith in the permanence of that peace or in the ability of the Samoans to maintain an efficient government, and they accordingly decided to recommend the establishment of a tripartite protectorate over the islands by the three powers. In June and July, 1887, the secretary of state and the British and German ministers met in conference in Washington and vainly strove to reach an agreement which would establish "peace and a better understanding" in Samoa.

The German minister, Mr. Alvensleben, proposed that the management of Samoan affairs should be entrusted to a single foreign official who should be the representative of that foreign power which had the largest commercial interests in the islands. That would have meant, of course, surrender of the islands to Germany. This plan was apparently, though not at all eagerly, favored by the British minister. The American secretary of state would not assent to it, however; not so much because of the complete surrender to Germany which it would have involved as because of the compact which had been made with the Samoan government concerning Pago-Pago. Under that agreement the United States had bound itself to proffer its services as mediator between Samoa and any other nation in case of controversy, and the secretary of state, Bayard, quite logically and honorably held that this was such a case, and that the United States was bound to act, or to try to act, the part

of a mediator between Samoa and Germany, rather than as an associate of Germany in disposing of Samoa against that country's will. Accordingly he opposed Alversleben's scheme, and suggested instead that an international commission, consisting of a representative of each of the three countries, should be constituted to assist the king and vice-king in administering the Samoan government. To this Alversleben very pertinently objected, on the ground that it would simply perpetuate the tripartite scheme, the jealousies and rivalries of which had already been the cause of most of the Samoan troubles.

The conferences were adjourned in July, indefinitely, without results; with the understanding that affairs in the islands would remain *in statu quo* until the three commissioners, after consulting with their home governments, should meet again. But affairs did not remain *in statu quo.* The adjournment of the conference was taken in the islands as a signal for trouble. The American and German consuls had been recalled, and had been replaced by others who, it was hoped, would act more discreetly. But this hope was vain, at least so far as the new German consul, Becker, was concerned. That gentleman was intent upon outdoing Steubel, if possible, in aggressiveness. Advantage was taken of a barroom brawl at Apia, in which several German sailors had fallen into fisticuffs with some natives. The Germans were the aggressors, and suffered less in the fight than the natives. Moreover, the fight took place in Apia, and therefore not within Malietoa's jurisdiction. Finally, the brawl had taken place some time before the Washington conferences, and had been passed over at the time as quite negligible. But when the conferences were adjourned, it was suddenly recalled to attention. The natives were arrested for "riot" and found guilty of assault, and Malietoa himself was declared by the German municipal judge at Apia to have been responsible for "trampling upon the German emperor." Immediately, therefore, Becker declared war against Malietoa, in the name of the German emperor, Tamasese was proclaimed king under German protection, and four German warships appeared in the harbor of Apia to enforce the decree.

The American consul, Sewall, and the British consul at once joined in a proclamation in which they refused to recognize

Tamasese as king and renewed their recognition of Malietoa, but advised all Samoans not to fight about it but to await peacefully the outcome of diplomatic negotiations. It was useless to cry "Peace, peace!" however, when there was no peace. The German consul sent agents around to harangue the natives and to incite them against Malietoa, and gunboats followed to shell every village at which these agents were not sympathetically received. A German officer took charge of Tamasese's forces. Malietoa took to the field, and was soon joined by Mataafa. As for the Americans and English on one side and Germans on the other, at Apia, they could scarcely keep their hands from each others' throats. At the last moment, however, Malietoa lost heart, or dreaded to plunge his islands into war, and accordingly, after entrusting his interests and those of his people to the loyal and stalwart Mataafa, in September, 1887, he surrendered himself to the German consul. In a pathetic letter addressed to his followers, he said:

"On account of my great love for my country, and my great affection for all Samoa, I deliver up my body to the German government. That Government may do as they wish with me. I do not desire that the blood of Samoa shall be spilt for me again. But I do not know what is my offense!"

To Sewall, the American consul, he wrote, reminding him that he had acted upon his advice and had relied upon the American promises of support; adding, half reproachfully,

"I desire to remind you of the promises so frequently made by your Government, and trust that you will so far redeem them as to cause the lives and liberties of my chiefs and people to be respected."

Malietoa was then sent by the Germans into exile, amid the lamentations of his people. In a most high-handed manner the German consul took full possession of the government of Apia. With studied insult he ignored the American consul, declared that the tripartite administration of Apia had lapsed, and proclaimed that municipality to be under the jurisdiction of King Tamasese. The German officer who had been directing Tamasese's forces was made prime minister, and Germans were appointed to all important places. Thus under the puppet king complete German sovereignty of all Samoa was established. An

attempt was made, with some degree of success to vindicate this *coup d'état* and usurpation by giving the islands a good government. Roads were built and other improvements were made, and justice was fairly administered, so that many natives and also non-German foreigners were reconciled to the German aggression.

There were, however, two irreconcilable opponents of it. One was the American consul, Sewall, who bitterly resented the mixture of arrogance and falsehood with which Becker had acted, as well as the insolent defiance of American rights which had been practised. The other was the doughty Mataafa, who loyally stood for the restoration and vindication of the exiled Malietoa, and daily gathered more followers to his standard. At last, in August, 1888, the natives were so outraged by the act of Tamasese in taking for himself the name of Malietoa, which they regarded as sacred to the rightful sovereign, that they followed Mataafa in open war. The German gunboat *Adler* was at once sent out to bombard all coast villages which were friendly to Mataafa, and to convey Tamasese's troops from island to island. Against this Commander Leary, of the American ship *Adams,* strongly protested, in terms which stung the German commander to the quick; and finally, when the *Adler* had taken position to shell a certain village, Leary ran the *Adams* in between it and the shore, declaring that if the Germans fired upon that village they would have to do so by first firing upon an American vessel. Several sharp engagements occurred on land, between the followers of Tamasese and those of Mataafa, until the Germans decided to end the conflict by the single stroke of themselves intervening and capturing Mataafa.

Accordingly a force of 150 German marines was secretly landed, and pushed forward toward Mataafa's headquarters, expecting to surprise him. This was the scheme of Dr. Knappe, the new German consul, who had taken the place of Becker, recalled. The surprise was, however, on the other side. The marines were ambushed by Mataafa, and one third of their number were killed or wounded, the remainder struggling desperately back to their boats. This made the followers of Mataafa jubilant. It also made Knappe furious, and he passionately accused the British consul, Coetlogon, of having betrayed the

landing of the marines to the natives, and the American vice-consul, Blacklock, of having set a trap for them. For these wild accusations there was not the slightest foundation. But Knappe persisted in them, and presently proclaimed martial law in Apia, to which Americans and British were to be subject. The latter refused to respect the proclamation, and Knappe threatened to employ military methods against them if they did not. On at least one occasion the American flag was seized by armed Germans.

These doings were reported to Washington by the American vice-consul, with the result that Rear-Admiral Kimberley was despatched to Apia with the warships *Trenton* and *Vandalia,* fully equipped for action. When he arrived he found several German and British ships there, all ready for instant service, and their commanders and crews looking for war. Then, in one of the most dramatic events of human history, the Supreme Arbiter in a twinkling snatched the issue of peace and war from man's puny hands, "and mocked the counsel of the wise, and the valor of the brave." On a wild March morning, March 16, there burst upon the harbor of Apia the unbridled fury of an equinoctial hurricane. The British warship *Calliope,* with safety valve screwed down, fought her way out to safety in the open sea. Every remaining ship, with useless anchors dragging and engines powerless against the wind and tide, was dashed to wreck upon the reefs. Of the rival navies which threatened the peace of the world, a single survivor remained. Amid the horrors of the storm all partizan passions were forgotten. The followers of Mataafa heroically plunged into the waves to rescue perishing Germans, and Tamasese's warriors risked their lives to succor drowning Americans. The judgment of Heaven was rendered in a manner which no man dared to dispute. The menace of man's war was blown away by the war of the elements.

Meantime correspondence was maintained between Washington and Berlin for a diplomatic composure of the troubles. Bismarck dwelt upon the enormity of Malietoa's offense in permitting a barroom brawl on the anniversary of the German emperor's birthday! Bayard insisted that in proclaiming Tamasese king the Germans had violated the promise to maintain the

status quo. Count Arco-Valley, the German minister at Washington, reported that the German marines had been landed after notification to the American and British consuls, not to capture Mataafa but to protect German property, and that the attack of the natives upon them had been led by an American newspaper correspondent. Bayard responded that the United States government was in no wise responsible for the act of a newspaper correspondent. Bismarck retorted that German marines had been "murdered" and that their "murderers" must be punished. Bayard protested against Knappe's proclamation of martial law at Apia, and Bismarck was compelled to admit that the order was unwarranted, and to direct Knappe to withdraw it.

At last Bismarck seemed to become weary of the ignoble part which Germany had been playing, and on February 4, 1889, he instructed Arco-Valley to request the United States government to enter into negotiations for a decent settlement of the brawl, by resuming, in some form, the conferences which had been unavailingly held at Washington. To this overture Bayard responded most cordially, and arrangements were at once begun for a resumption of negotiations. The Cleveland administration ended on March 4, however, and Benjamin Harrison became President and James G. Blaine secretary of state, and it fell to them to appoint and to instruct the commissioners who were to conduct the negotiations. John A. Kasson of Iowa, William Walter Phelps of New Jersey, and George H. Bates, the former commissioner to Samoa, were appointed. They were instructed that the United States had no desire to dominate in Samoa, but merely to protect the rights and interests of American citizens who were there engaged in lawful pursuits. They were to seek first a restoration of the *status quo;* the organization of a stable and efficient native government in the islands, free from the control or preponderating influence of any one foreign government; the establishment of some system of adjustment and registry of land claims; the regulation of the importation and sale of alcoholic liquors and firearms; and the adjustment of the question of neutrality and government in the municipality of Apia.

The meetings of the commissioners were held in Berlin, be-

ginning on April 29, 1889, and continuing until June 14, when a treaty was signed. It was agreed that the Samoans should have an autonomous government; only they must not choose either Mataafa or Tamasese for their king, but must take back Malietoa Laupepa, who would be returned from exile. There was to be a chief justice, appointed by the three powers, with general jurisdiction over all cases. The three consuls were to continue to exercise extraterritorial jurisdiction in local matters at Apia. There was to be a municipal council for the government of Apia, the president of which was to be the chief executive of the district and the adviser of the king; but no legislative acts of the council would be operative until approved by the consuls of the three powers. Various other provisions were adopted for the government of the islands, all of which were well meant, and seemed likely to promote the welfare of both foreigners and natives.

The one striking feature of the whole plan was, however, its substantial denial of self-government to the Samoans. Beginning with a declaration in favor of autonomy, it proceeded to establish a system under which the natives would have practically nothing to say about their own government. There would be a native king, the choice of whom was dictated by the powers; but he would be completely hedged about by foreign "advisers" and functionaries.

The Samoans were practically compelled to give their assent to this gross betrayal of their rights and liberties. They could not help showing deep resentment, however, at the proscription of their hero, the gallant Mataafa, who was far more worthy of the crown than Malietoa, and who would have been elected by them by an overwhelming majority if they had been permitted to make their own choice. When Mataafa himself, with noble patriotism, accepted his lot, they reluctantly concurred. There was much dissatisfaction, also, at the apportionment of official salaries, for there was granted to the king a stipend of only $95 a month, out of which he must maintain himself and his court, while the foreign chief justice and president of the council of Apia received respectively $500 and $415 a month. Indeed, the private secretary of the chief justice received much more than the king. So many of Mataafa's followers persisted

in flocking around him and paying court to him that fears of a revolution in his behalf arose and warships were sent to the islands in June, 1893, by the three powers, to prevent such an occurrence. Mataafa then surrendered himself and was exiled to the Marshall Islands. The next year a son of Tamesese did begin a rebellion, which was suppressed by the powers with savage severity.

It thus became increasingly evident that the Berlin treaty was a failure and that the effort of the three powers to provide a government for Samoa had resulted in making confusion worse confounded. Various proposals were made at Washington for revision and amendment of the Berlin act, but Germany and Great Britain would not accept them. Consequently dissatisfaction and disgust on the part of our Government steadily increased, at the plight into which its own folly had led it. Referring to our intervention in Samoa, President Cleveland in 1893 said truly: "This incident and the events leading up to it signally illustrate the impolicy of entangling alliances with foreign powers." The next year he said further:

"The present Government has failed to correct, if indeed it has not aggravated, the very evils it was intended to prevent. Our participation in its establishment against the wishes of the natives was in plain defiance of the conservative teachings and warnings of the wise and patriotic men who laid the foundations of our free institutions."

Once more, in 1895, he emphasized his conviction that "our situation in this matter was inconsistent with the mission and traditions of our Government, in violation of the principles we profess, and in all its phases mischievous and vexatious." He could get no relief from Congress, however, and all efforts to amend the Berlin act were fruitless. In 1898, Mataafa was released from exile and returned to Samoa, under a pledge to respect the rule of Malietoa. But a few days after his arrival in the islands the aged and infirm Malietoa died. That was in August. In November following a popular election for a new king was held, and Mataafa was chosen by an overwhelming majority. A son of Malietoa, named Tanu, who had been a candidate, protested that Mataafa was ineligible, on account of his having been exiled and having returned on a pledge not

to seek the crown. The dispute was referred to the Supreme Court, of which an American, William L. Chambers, was chief justice. Curiously enough, the German party was now strongly arrayed on Mataafa's side, and it was generally expected that the decision would be in his favor. But after a long trial and patient investigation Chambers decided that Mataafa was ineligible, because of the Berlin treaty, which was still in force, and that therefore young Malietoa Tanu was elected king. This decision was accepted by the American and British consuls, but was indignantly rejected by the German consul and the entire German party, and would doubtless have caused a serious breach of the peace had not a force of British marines been landed to serve as police. The next day, however, the followers of Mataafa broke all bounds and poured into Apia in such overwhelming numbers that no attempt was made to repel them or to stand against them. The Chief Justice himself took to flight, and without the striking of a blow Mataafa took possession of the Government and crowned himself king.

The three consuls promptly acquiesced in this arrangement, as the "provisional government of Samoa," pending instructions from the powers. A bitter controversy arose, however, over the chief justiceship of the Supreme Court. On account of Chambers's flight, the Government barred the doors of the courthouse and announced that the court had adjourned until further notice. At that the captain of the British ship on which Chambers had taken refuge announced that the chief justice, supported by the American and British consuls and the armed forces of that ship, would hold court that day at noon, and that if there was any attempt made to prevent him from doing so, fire would be opened. In response Raffel, the president of the Apia Council, a German, entered and declared himself to be the court. But Chambers came ashore at noon, and with the British marines took forcible possession of the courthouse. There were some acts of personal violence between the two parties, and there seemed to be imminent danger of another general war all over the islands.

At this time there was a widespread feeling of antagonism toward Germany in the United States on account of occurrences at Manila, and many excited demands arose for the sending of

warships to Samoa to teach the Germans a lesson, and even for declaring war upon Germany. Happily the three governments were more conservative than their citizens, and more judicious than their consular and other representatives in Samoa. The German government promptly disavowed the conduct of Raffel, at which that zealous patriot resigned his office in disgust. The British government announced that it was awaiting fuller information before taking action. At Washington the secretary of state, John Hay, assured the British and German ambassadors that the trouble would be settled peacefully, and then sent Rear-Admiral Kautz with the ship *Philadelphia* to Apia, to see that the peace was kept there. Kautz promptly issued an order to the effect that the "provisional government" could not be recognized, and that Mataafa and his followers should disperse quietly to their homes. The German consul, Rose, replied with a counter-proclamation, announcing that he meant to continue recognizing the Mataafa government, and thus encouraged that chieftain and his followers to stand their ground. Kautz was resolute, however, and threatened to bombard the place if Mataafa and his partizans did not obey. They did not obey, and at the designated hour, one o'clock on March 15, the bombardment of Apia began. American and British marines were landed and fought side by side against the natives. The Germans held entirely aloof from all the proceedings. The *Philadelphia* and two British vessels also cruised along the coast, shelling other places which were known to be in sympathy with Mataafa. This was precisely the sort of thing against which Leary had protested when it was done by the Germans, and it is difficult to imagine any justification of it when done by either Germans or Americans. The only offense of the Samoans was that they had desired and had tried to elect their own king, and for this their villages were burned and their women and children slaughtered. It was a gross violation of both the rules of civilized warfare and the principles of common humanity. The Samoans attempted some resistance, and effected some reprisals, on April 1 surprising a squad of American and British sailors and killing a number, including two American officers. In the end, however, they were so far subdued that Malietoa Tanu was crowned king, and Mataafa was reduced to mere bush warfare.

Germany again took the lead in proposing rational methods of settling the trouble, by suggesting the creation of a joint high commission. The American and British governments promptly acquiesced, and the commission was formed and was sent to Samoa to investigate conditions and consider plans of settlement on the ground. The commissions were Bartlett Tripp, a judge, for the United States; Sir Charles Eliot, second secretary of the embassy at Washington, for Great Britain; and Baron Speck von Sternberg, first secretary of the embassy at Washington, for Germany. The commission reached Apia on May 13, and was coldly received by whites and natives alike.

"We arrived in Apia," said Mr. Tripp in his report, "on the 13th of May, 1899, making the seventh of the fleet of war vessels of the three great powers then anchored in that quiet little harbor—three English, three American, and one German . . . but not the sail or smoke of a single vessel of commerce was to be seen there or about the coasts of these beautiful islands. On land patrolling the streets and at every crossing were soldiers, white and native, demanding the password of resident and stranger. A thousand natives in native uniform, but armed with British rifles and commanded by British officers, paraded past us in response to the salutes from vessels of war, while as many more natives, armed with every species of warlike implement, in command of native officers, came from their camps to witness our arrival. At a distance from the town of perhaps three miles and encircling it on all sides were the native troops of Mataafa, estimated at about 3000 men, armed with rifles, head knives, spears, and such weapons of war as the natives could command, resting upon their arms behind their lines of improvised fortifications under the terms of the armistice which had been proclaimed by the vessels of war pending the arrival of the commission. But a few days prior the English and American ships had shelled the town, and the people had left the rear and exposed portions and were huddled together. in the houses along the beach and out of the way of and protected by the guns of the ships which had been directed against the forts and lines of Mataafa surrounding the place. Excitement and alarm prevailed everywhere and this condition of nervous

excitement had reached its height when the commission arrived."

The commission promptly set to work, first to disarm the natives, and then to consider the question of government. It declared Malietoa Tanu to be king, but that young man was by this time tired of politics, and wished to become a missionary; wherefore he promptly abdicated the throne. The question then arose, whether to authorize the election of another king in his place, with the certainty that Mataafa would again get the majority of votes, or to abolish the troublesome office. After carefully considering the chief citizens of the various islands, including Mataafa, it was decided to pursue the latter course. Mataafa himself was outspoken in favor of letting the kingly office die, being by this time convinced that the prophecy of his kinsman of years ago was to be fulfilled, and that he was doomed never to be king.

Another provisional government was accordingly formed, consisting of the three consuls. An American, Osborn, was made chief justice, and a German, Solf, president of the council. The kingship was simply left vacant. The commission then made an elaborate series of recommendations for the revision of the whole system of government in Samoa, but concluded by saying that no wholly satisfactory arrangement was possible so long as the tripartite control existed. The only natural plan of government, and the only system which could assure tranquillity and prosperity, it insisted, was government by a single power. Upon the basis of that report negotiations were begun at Washington in October, 1899, and once more Germany took the initiative with a rational and practical proposition. That was, that the islands should be partitioned among the powers and the triple control be abolished. This proposal was agreed to, and on December 2, 1899, a treaty was signed by John Hay, secretary of state; Dr. Von Holleben, the German ambassador; and Lord Pauncefote, the British ambassador. Under this the island of Tutuila, containing the supremely valuable harbor of Pago-Pago, the best in all that quarter of the Pacific, was allotted to the United States, together with some other small islets lying east of the 171st meridian. All the rest of the islands were allotted to Germany. Great Britain received compensa-

tion in Germany's cession to her of the Tonga Islands and some others elsewhere in the Pacific, and certain concessions in Africa. The treaty was ratified on January 16, 1900. A little later Tutuila was placed under the charge of the United States navy department, with a naval officer as its governor.

The American commissioner, Chambers, who disposed of the various land claims, reported that the number of such claims in the whole group of islands numbered 3942, of which 1422 were German, 1757 English, 307 American, 326 French, and 130 miscellaneous. The total acreage allowed was 135,000, of which two thirds belonged to Germans, who, as Chambers reported, were "the only foreign residents in Samoa who have, on any system, cleared, planted, and otherwise improved their holdings." The claims allowed to Americans amounted to 21,000 acres, most of which belonged to a San Francisco corporation, which was insolvent and which had no agent in the group; and its lands were understood to be for sale. Chambers also stated that there were only nineteen bona fide American citizens resident in the islands, exclusive of officials, and that the commerce of the group was chiefly in German hands. The actual state of commercial and landed interests, and also of nationality among the foreign residents, was therefore recognized in the allotment of Upolu and Savaii to Germany, those islands, and especially Upolu, being the principal seats of commerce and planting; while, on the other hand, in the concession of undivided jurisdiction to the United States over Tutuila and the adjacent islands, the exclusive rights of the United States in the harbor of Pago-Pago were placed beyond dispute.

Thus ended one of the most thoroughly discreditable passages in American history. The United States began by abandoning two of its most important principles of foreign policy, and stultifying its thitherto unbroken record. It persisted in that fatuous and immoral policy year after year. It was guilty of gross inconsistency, its own officers doing in an aggravated form the very things for which in a less offensive form it had severely condemned others. It was guilty of savage cruelties which would have been regarded as monstrous in the least civilized of the Samoans themselves. It was guilty of bad faith to Samoans who trusted it. It failed to win for its iniquitous policy

the poor vindication of efficiency and success, confessing at the end that it was a wretched failure. And it finally abandoned that policy not because it was wrong but because it was too costly and troublesome to continue. It is difficult to discern a single redeeming feature in the whole dark story.

XXVIII

THE ANNEXATION OF HAWAII

THE project of annexing Hawaii to the United States seemed in 1871–73 to be indefinitely if not perpetually postponed. In 1874, however, American relations with the islands entered upon a new phase through the intervention of American military forces for the preservation of peace and order. The death of King Lunalilo in February of that year left the succession to the throne in dispute. The claimants were the Dowager Queen Emma, widow of Kamehameha IV, who was supported by the English residents of the islands and their friends, and David Kalakaua, a descendant of one of the minor chiefs of the islands, and a particularly shrewd and influential politician. As Lunalilo had designated no heir, it was incumbent upon the legislature to elect a sovereign, and that body was known to be in favor of Kalakaua. As soon as it met, therefore, the adherents of Queen Emma formed a mob and attempted to storm the legislative chamber, to coerce the legislature or to prevent an election. At that time the American warships *Tuscarora,* Commander Belknap, and *Portsmouth,* Commander Skerrett, were at Honolulu, and the Hawaiian authorities appealed to them for aid in preserving order. The response was the landing of a hundred and fifty armed men, to act as a police force for the preservation of order and the protection of life and property. This force dispersed the mob and guarded the courthouse. No sooner had this been done than a similar but smaller force, from the British warship *Tenedos,* landed, without either request or permission, and placed itself as a guard at the residence of Queen Emma, where it remained for eight days.

Under the benevolent and neutral protection of the American marines the legislature proceeded with the election in an orderly and lawful manner, and David Kalakaua was chosen king, and was at once recognized as such by the American, British, and French representatives. Mr. Pierce, the American

minister, paid a visit to Queen Emma, informed her of the election of Kalakaua, and advised her to acquiesce in it, which she unhesitatingly did. The American forces were then withdrawn, and the islands were left in peace and with the most cordial sentiments toward the United States on the part of all factions. American relations with the new king naturally became very close, and in the following year, 1875, the long-desired and long-considered treaty of commercial reciprocity was taken up, negotiated, and ratified. This achievement was facilitated and expedited by a visit which King Kalakaua made to the United States in the fall of 1874, during which he made a tour of the country which lasted for several weeks.

Under this treaty American trade with the islands increased greatly, and the envy of Great Britain was aroused, with the result that in 1881 the latter country sought to make a similar treaty. The Hawaiian government was inclined to accede to the British request, but the United States objected to its doing so. The secretary of state, James G. Blaine, enunciated for the first time the principle that American interests and rights in the islands were superior to those of any other land. "The Hawaiian Islands," he wrote, "cannot be joined to the Asiatic system. If they drift from their independent station, it must be toward assimilation and identification with the American system, to which they belong by the operation of natural laws and must belong by the operation of political necessity." In this Blaine was applying to Hawaii almost precisely the same terms that John Quincy Adams had applied to Cuba many years before. He added, with convincing logic, that Great Britain had no claim to share our reciprocity agreements with Hawaii, for the reason that the privileges of such a treaty were essentially and in the very nature of things to be enjoyed exclusively by the countries making it and were not to be extended to others under the "most favored nation" clause, to which they formed an exception. The controversy was animated and determined, but ended in a diplomatic victory for the United States.

The annexation project was also revived at this time. Late in 1881 Blaine advised the American minister to Hawaii to study closely the agricultural resources and commercial advan-

tages of the islands, with a view to determining their value as a future territorial acquisition of the United States. He suggested also that if the Hawaiian government could be persuaded to pass a homestead act for the benefit of American settlers, there might in return be organized in this country important colonization schemes which would result to the great advantage of the islands. This suggestion was not acted upon, and nothing more was done at that time in the direction of annexation. Two years later, however, another occasion arose for asserting the paramount interest of the United States in the islands. At that time Great Britain and France were extending their possessions among the Pacific Islands and were annexing some to which Kalakaua imagined that he had a title. That dissolute monarch, indeed, among his other vagaries, conceived the idea of declaring himself "Emperor of Polynesia," laying claim to numerous groups of islands in the Pacific, and in 1883 he appealed to the United States to support him in his schemes, and to protect him from the aggressions of the two powers. Frederick T. Frelinghuysen was at this time secretary of state, and he replied in a judicious but resolute manner, declining to interfere with the disposition of remote South Sea islands, with which this country had no concern, but reëmphasizing the peculiar interest of this country in "the intimately connected commonwealths of the North Pacific."

Another step of importance was taken in 1887, when in consideration of the renewal of the reciprocity treaty the Hawaiian government ceded to the United States Pearl Harbor, seven miles from Honolulu. This magnificent harbor is not only by far the best in the islands but is also one of the finest in the world, and is of immense value as a mid-sea stopping place and naval station. The Hawaiian government understood that the cession was temporary, to endure only as long as the reciprocity treaty was maintained. The United States, however, interpreted it as a permanent and absolute cession, though for many years thereafter it neglected to improve and to utilize the harbor. The British government promptly protested against this cession, as calculated to impair that independent sovereignty of the Hawaiian Islands which Great Britain and France had recognized in 1843, and to which the United States

had also committed itself. To this the secretary of state, Thomas F. Bayard, replied that there was nothing in the Pearl Harbor cession that would impair the sovereignty of Hawaii, but this was not convincing to the British government, which rightly forecast the purpose of the United States to bring about the complete annexation of the islands. The incident ended in another diplomatic victory for the United States, and in a confirmation of the political and commercial supremacy of this country in Hawaii. At about this time the Hawaiian queen, Kapiolani, and the heir-presumptive, Princess Liliuokalani, made a tour in the United States and were everywhere cordially received.

Meantime an important change had occurred in the domestic affairs of the islands, which had a direct bearing upon their future relations with the United States. Kalakaua went from bad to worse in his public and private excesses, until at last, on June 30, 1887, a committee of public safety was formed and a great mass meeting was held, at which were adopted resolutions declaring that through corruption and incompetence the Government had ceased to perform its legitimate functions, and demanding of the king that within twenty-four hours he should give satisfactory pledges of future good government and a revised constitution. The king yielded, appointed a reform ministry, and subsequently signed and promulgated a new constitution in accordance with the expressed wishes of the people. Under this constitution all male residents of Hawaii who had been there a year and had taken an oath of allegiance were invested with the electoral franchise, the king was deprived of the absolute veto power, and the cabinet was made responsible to the Legislature elected by the people. Other important reforms were prescribed, all in the direction of popular rule.

The king's sister and heir-presumptive, Princess Liliuokalani, was strongly opposed to the granting of this constitution, and when she found herself unable to dissuade Kalakaua from signing it she organized, with Robert W. Wilcox and Robert Boyd, two half-breed politicians, a conspiracy to depose the king and to put herself upon the throne in his place. A few hundred followers were gathered and an attack was made upon the government buildings. This was repulsed by the government

guards, but not knowing the possible strength of the uprising Kalakaua appealed to the United States minister for protection. In consequence a force of marines was landed from the United States warship *Adams*, Commander Woodward. It did not, however, act specially for the protection of the king, but generally for the preservation of peace and order. The result was that the insurrection was quickly crushed. Although Liliuokalani's part in it was known to many and was suspected by all, it was deemed politic for the king to ignore it and to let her remain the heir to the throne.

In the spring of 1890 President Harrison invited the Hawaiian government to send a delegate to the Pan-American Congress which met at Washington, despite the fact that the islands were not in any sense a part of America. A delegate was appointed, and though he did not reach Washington in time to participate in the congress the incident strengthened the intimacy between Hawaii and the United States. Later in the same year Kalakaua made a second visit to the United States, and was received with royal honors at San Francisco. A few hours after his landing, however, he was taken ill, and on January 20, 1891, he died. He was succeeded by Liliuokalani as queen, and her well-known character and reactionary principles were at once regarded as ominous of trouble.

At her accession she took, of course, an oath to maintain the constitution; meaning the reformed constitution which had been extorted from her brother and which she had bitterly opposed. But the oath must have been taken with mental reservation, for she almost immediately began to make plans and intrigues for the evasion if not the outright abrogation of the hated instrument. She began by trying to force the cabinet out of office, in order that she might replace its members with creatures of her own. The cabinet had been in office only a few months, and was composed of some of the best men of the islands. Under the constitution it was responsible to the Legislature alone, and that body declined to pass, at the queen's bidding, a vote of lack of confidence which would have compelled the ministry to resign. Liliuokalani then appealed to the Supreme Court, and secured from it a decision to the effect that the cabinet, having been appointed by the preceding sovereign, automatically went

out of office upon his death. By virtue of this decision she was enabled to appoint a new cabinet, to her own liking. She proceeded with her plans, however, with caution and deliberation, and manifested for a time a decided partiality toward Americans. This latter circumstance was doubtless largely due to the fact that she was married to an American, John O. Dominis of Boston; a man of much force of character and of decided loyalty to American interests. Being childless, she designated as the heir-presumptive to the throne Princess Victoria Kaiulani, the daughter of a sister who had married A. S. Cleghorn, an English gentleman of fortune and high character. Thus in spite of the reactionary tendencies of the queen, all seemed to go well for a time, and the social and moral tone of the court was certainly far better than it had been in the unsavory days of Kalakaua.

About a year after Liliuokalani's accession, however, Dominis died, and deprived of his counsel and influence the queen soon turned into less commendable ways. Her regard for Americans waned, and she began to listen to the promptings of those who would throw off all foreign influence and return to a purely native rule. She took for her chief adviser and marshal of the kingdom a half-caste Tahitian named Wilson, who under her favor presently became more powerful than the prime minister and was the real ruler of the islands. In the summer of 1892 an ominous conflict arose between the queen and her favorite and the ministry on the one side and the Legislature on the other, which at the end of August culminated in the Legislature's voting want of confidence in the ministry and thus turning the latter out of office. The queen thereupon appointed a new ministry, with E. C. Macfarlane at its head. He was English by birth and sympathies, though an American by naturalization and a Hawaiian by domicile. He at once introduced and tried to push through the Legislature a bill practically mortgaging the customs receipts of the islands to Great Britain, evidently with the purpose of establishing a British financial protectorate. To this strenuous opposition was offered, and three days after the formation of the cabinet a vote of no confidence was carried, by 24 to 21. The ministry refused to resign, however, and secured another convenient decision from the Supreme

Court to the effect that twenty-five adverse votes were required to compel their resignation. But on October 16 a second resolution of no confidence was carried by the vote of 32 to 15, the force of which could not be disputed. In the place of the ministry thus deposed the queen appointed another, composed of men of no standing, which an hour or two after its appointment was turned out by an adverse vote of 26 to 15. At the same time a resolution was adopted asking the queen to name a leader, acceptable to the majority of the Legislature, who should select colleagues to compose a cabinet. This was most unwelcome to the queen, but she yielded, and the result was the seating of a cabinet which commanded the confidence of the Legislature and the people generally.

The queen then applied her sinister attentions to the Legislature; and by means of bribery won a majority to her side. She next had two most pernicious bills rushed through, legalizing the opium traffic and public lotteries. Following this she secured the passage of a resolution of no confidence in the ministry, turned that body out, and appointed another composed of her own partizans, of unsavory reputation. This was on January 13, 1893. The next day she prorogued the Legislature, and immediately afterward attempted to abrogate the constitution of the kingdom and to promulgate in its stead another arbitrarily framed by herself and her partizans. For three days the leaders of her own faction prevailed upon her to delay this revolutionary action, fearing the consequences. Her purpose was made known, however, and the terms of her constitution were disclosed. The cabinet was to be made responsible not to the Legislature but solely to the sovereign; all members of the upper house of the Legislature instead of being elected were to be appointed, by the sovereign, the selection of them being absolute with her; and all white men were to be disfranchised excepting those who were married to native women.

Against these revolutionary proposals the best elements of the islands instantly rose. A committee of public safety was constituted, which adopted a resolution declaring in favor of abolishing the monarchy and applying to the United States for annexation. When this was made known to the queen she pretended to withdraw her purposed constitution, and issued a

proclamation to that effect. But at the same time she sent out word to her native partizans, in Hawaii, that she was merely temporizing for effect, and that at an early date she would execute her design and establish the new constitution. At this the committee of public safety prepared to resist the *coup d'état* by force, and a large number of people armed themselves in preparation for a struggle. The queen, on the other hand, summoned her troops to enforce her will, and a bloody encounter seemed imminent. Then, on January 16, the American minister, John L. Stevens, requested the commander of the United States cruiser *Boston,* Captain Wiltse, to send troops ashore to keep the peace and to protect life and property; as had been done twice before in the history of the islands. Having satisfied himself of the need of such precautions, Wiltse complied with the request. Three small bodies of marines were sent ashore as quietly and unostentatiously as possible, and were posted, one at the American legation, one at the American consulate, and one in a public hall near the center of the city where it would be ready for the protection of the American residents. The landing of these troops had a salutary effect. Peace and order were maintained and confidence was restored among the people.

The next day, January 17, saw the climax of these occurrences. The committee of public safety called a mass meeting, at which most of the substantial people of Honolulu were present. Henry E. Cooper, a Massachusetts man of high standing, presided, and there was adopted and proclaimed a resolution declaring the abolition of the monarchy and the establishment of a provisional government "for the control and management of public affairs and the protection of the public peace" until terms of union with the United States of America should be negotiated and adopted. In these proceedings the American troops of course took no part. They were not present nor visible, and they had no influence whatever, excepting that of restraining the more extreme spirits on both sides from resorting to violence. The local authorities at once acquiesced in the action of the committee and the mass meeting. The police department placed itself under the orders of the Provisional Government, and even the household guards of the queen surrendered

their arms. The Provisional Government was promptly recognized by the diplomatic and consular representatives of the United States, Germany, Austria-Hungary, Italy, Russia, Spain, Holland, Belgium, Denmark, Mexico, Chile, Peru, and China. Those of Great Britain and France held aloof, but in time they too gave their recognition.

The queen and a few of her partizans refused, however, to acquiesce, save under protest, in what had been done. Liliuokalani issued a proclamation charging that she had been dethroned by the American minister's use of the armed forces of the United States against her. She added that while, in order to avoid bloodshed, she yielded to the superior force of the Provisional Government, she did so under protest and only until the Government of the United States, on being informed of the facts, should undo the wrong which its minister had done, and should order her reinstatement upon the throne.

A special steamer was at once despatched by the Provisional Government to San Francisco, bearing commissioners who were authorized to proceed to Washington and to negotiate an annexation treaty. These commissioners were Lorrin A. Thurston, W. C. Wilder, William R. Castle, Charles L. Carter, and Joseph Marsden, all men of character and standing. They reached Washington on February 3, 1893, and were promptly and cordially received by the President, Benjamin Harrison, and the secretary of state, John W. Foster. The desired treaty was soon drafted, providing for the annexation of the islands to the United States, as a territory, and for the very generous pensioning of the deposed queen and the heir-presumptive. In transmitting this treaty to the Senate for ratification the president said:

"It is quite evident that the monarchy had become effete and the queen's government so weak and inadequate as to be the prey of designing and unscrupulous persons. The restoration of Queen Liliuokalani to her throne is undesirable, if not impossible, and unless actively supported by the United States would be accompanied by serious disaster and the disorganization of all business interests. The influence and interest of the United States in the islands must be increased and not diminished.

"Only two courses are now open; one, the establishment of a protectorate by the United States, and the other, annexation full and complete. I think the latter course, which has been adopted in the treaty, will be highly promotive of the best interests of the Hawaiian people, and is the only one that will adequately secure the interests of the United States. These interests are not wholly selfish. It is essential that none of the other great powers shall secure these islands. Such a possession would not consist with our safety and with the peace of the world.

"This view of the situation is so apparent and conclusive that no protest has been heard from any Government against proceedings looking to annexation. Every foreign representative at Honolulu promptly acknowledged the Provisional Government, and I think there is a general concurrence in the opinion that the deposed queen ought not to be restored. Prompt action upon this treaty is very desirable."

By the next steamer there followed after these commissioners an envoy from Liliuokalani, Paul Neumann, a prominent lawyer of Honolulu, with a vigorous protest against all these proceedings and a demand for the repudiation of the conduct of Stevens and for the restoration of the queen to the throne. It was generally believed, however, that his real object was to secure for Liliuokalani the largest possible indemnity for the loss of her throne, and this belief was strengthened by the statement, which was made on what seemed to be ample authority, that he had from the queen a power of attorney authorizing him at his discretion to accept settlement of her claims and to acknowledge the Provisional Government in her name. He could scarcely have hoped to get a larger indemnity for her than the life pension of $20,000 a year which the treaty proposed, with a lump sum of $150,000 for the Princess Kaiulani, but he did hope to secure for her permanent possession of the crown lands. There is reason for believing that if these lands had been granted to her, Liliuokalani would have acquiesced fully in the revolution. But that was not done, and Neumann's protests against the Provisional Government and the treaty of annexation were not effective.

While these things were going on at Washington, the Pro-

visional Government in the islands, with Sanford B. Dole, an eminent jurist, at its head, proceeded to full organization and proved itself efficient. Unfortunately, the American minister was betrayed by circumstances into taking a step of somewhat doubtful propriety, though he doubtless did so in good faith and with a full conviction of its necessity. This was the proclamation of an American protectorate over the islands. The circumstances were these: The French and British governments had not recognized the Provisional Government, and the British officials and residents were openly arraying themselves on the side of the queen, the minister himself taking the lead. The arrival of a British warship was daily expected, and it was not unnaturally feared that that event would add to the truculence of the royalist party. Moreover, there were thousands of Japanese settlers and contract laborers in the islands, and the queen's partizans sought to stir them to revolt against the Provisional Government by telling them that if the islands were annexed to the United States they would all be made slaves, while if the queen were restored to the throne they would be admitted to full Hawaiian citizenship, which thitherto had been denied them. There was a Japanese warship in the harbor, and the arrival of another was expected.

In these embarrassing and apparently menacing circumstances, Stevens decided upon a radical and strenuous course. At the request of the Provisional Government he proclaimed a United States protectorate over the islands, subject to the approval of the Washington government, and thereupon raised the American flag over the government buildings in place of the Hawaiian ensign. A day or two later the expected British warship, the *Garnet,* did arrive, and its presence added to the tension of affairs, since the officers ignored the head of the Provisional Government and instead paid all possible attention to the queen and her partizans. There were also some brawls in the streets between British and American sailors. The American flag on the government buildings was, however, respected, and it may be that only its presence there prevented serious trouble. It may be added that the trouble which had been feared with the Japanese was not realized. Another Japanese warship did come to Honolulu, but its officers recognized the authority of the

Provisional Government and entered into friendly relations with it.

Stevens reported his action to the Government at Washington, and in response the secretary of state wrote to him that so far as he had, at the request of the Hawaiian government, granted the coöperation of the moral and material forces of this country for the protection of life and property, his action was commended; but so far as it might appear to overstep that limit, by setting the power and authority of the United States above that of the Hawaiian government, by establishing a protectorate, and by substituting the American for the Hawaiian flag, it was disavowed. Stevens sought to justify himself by arguing, both to Foster and afterward to Foster's successor, that the proclamation of the protectorate was necessary for the prevention of disorder and especially of Japanese intervention, but he did not succeed in convincing the Government of the need or the discretion of his course.

Meanwhile the annexation treaty at Washington was before the Senate for ratification. But before it could be acted upon with senatorial deliberation the fourth of March arrived, and Benjamin Harrison was succeeded as President by Grover Cleveland, and John W. Foster was replaced by Walter Q. Gresham in the office of secretary of state. Already the question of Hawaiian annexation had been much discussed, and unfortunately it had been made a subject of partizan differences. With this change of the political complexion of the administration, therefore, the attitude of the United States government toward Hawaii was reversed. Cleveland's former secretary of state in his first administration, Bayard, had been inclined toward Hawaiian annexation. But Mr. Gresham was opposed to it, and Cleveland himself was quickly brought to that side. The unratified treaty was withdrawn from the Senate and Cleveland conceived it to be his duty "to cause an accurate, full and impartial investigation to be made of the facts attending the subversion of the constitutional government of Hawaii, and the instalment in its place of the Provisional Government." This action, which otherwise would have been tantamount to meddling in the domestic affairs of another nation, as had so disastrously been done in Samoa, was justified by the known action

of the American minister and naval forces; and the purpose was to investigate not the affairs of Hawaii but the conduct of the representatives of the United States toward that country.

The president appointed James H. Blount of Georgia as his special commissioner, to proceed at once to Hawaii, to investigate the case, and to report upon it to him. Blount's credentials were addressed to Sanford B. Dole as "President of the Executive and Advisory Councils of the Provisional Government of the Hawaiian Islands," and in his instructions from the state department the commissioner was advised that in all matters touching the relations of the United States with Hawaii, his authority was "paramount." It seemed unfortunate, though perhaps it was unavoidable, to accredit Blount to the head of a Government whose validity he was commissioned to investigate and whose destruction he was expected to recommend. It was also infelicitous for Cleveland, or Gresham, to employ the word "paramount" as he did, for it was instantly seized upon by political enemies and critics of the administration, and the changes were rung upon "Paramount Blount" and "the Commissioner Paramount," with disastrous effects upon the public appreciation of the mission. It was also unfortunate that Cleveland sent Blount not as a public minister but as his personal representative, and thus did not submit his appointment to the Senate for ratification.

Blount reached Honolulu on March 29, and acted in a manner which his best friends could scarcely help regarding as indiscreet. He was met by the American minister and a delegation of representative men of Honolulu, who offered to him their courteous assistance in getting himself established in suitable quarters. They suggested to him that as the Hawaiian Hotel was the headquarters of the queen's partizans, it might be judicious, and surely would be pleasanter, for him to occupy a comfortable private house, which was ready to be placed at his disposal, and in which he would be quite independent of both parties. To their amazement, Blount curtly declined to listen to their suggestions and, turning his back upon them, walked away and returned to his cabin. A little later he went ashore alone, where he was met by a messenger from the queen. He declined the use of the queen's carriage, which had been sent

for him, but went straight to the Hawaiian Hotel and occupied a cottage on its grounds, where he welcomed all the partizans of the queen, but excluded the representatives of the Provisional Government. Three days later he made the first use of his "paramount authority" in a peremptory written order to Rear-Admiral Skerrett, the commander of the United States naval forces in the Pacific, to haul down the American flag from the government buildings and to take back to the ships every marine who had been landed or was ashore. Skerrett obeyed, reluctantly and under protest, but the incident commanded little public attention.

During his stay of several weeks at Honolulu Blount made little effort to conduct anything like an impartial investigation, but kept himself in close association with the queen's party and strove to secure all possible information in her favor and against the Provisional Government, or rather against the United States minister and marines. In his correspondence with Gresham, which was voluminous, he showed from the first a pronounced bias in favor of the queen. His report, finally, was decidedly hostile to the Provisional Government and to the American officials, and indicated that in his opinion the queen ought to be restored to her throne. Blount was asked by Cleveland to become Stevens's successor as minister to Hawaii, but declined, and returned home as soon as his report was completed. Stevens's resignation, which had been tendered in March, was accepted after Blount's return, and the mission was left vacant for a time.

The impression produced upon Cleveland's mind by Blount's report was disclosed in the President's message to Congress on December 18, 1893. He declared that "The lawful government of Hawaii was overthrown without the drawing of a sword or the firing of a shot, by a process every step of which is directly traceable to and dependent for its safety upon the agency of the United States, acting through its diplomatic and naval representatives. Believing, therefore, that the United States could not, under the circumstances disclosed, annex the islands without justly incurring the imputation of acquiring them by unjustifiable methods, I shall not again submit the treaty of annexation to the Senate." In this Cleveland was doubtless sincere.

But it is at least equally certain that he failed to convince the American public that he was right. Few matters in our foreign relations in recent years have been so fully investigated and so exhaustively discussed as this, and the net result has been not to confirm Cleveland's unfavorable estimate of the American participation. It was most unfortunate that at the time the case was made an issue in domestic party politics, and was on both sides regarded not according to its merits but rather according to its availability as a political campaign issue. Thus the truth was largely obscured and passion supplanted reason. For several years the storm raged over it, and in the Presidential campaign of 1896 it played no inconsiderable part.

Meanwhile in October, 1893, Albert S. Willis was appointed minister to Hawaii, and proceeded immediately to his post. The mission must have been profoundly repugnant to him, and must have been accepted only through an irresistible sense of duty. He was accredited to the Provisional Government of Hawaii. Yet that Government was regarded by his own as an illegal body, created through grossly immoral means, and he was under orders to compass, if possible, its overthrow. He was privately instructed by the secretary of state, Gresham, to inform the deposed queen of the President's disapproval of the manner in which she was "obliged to surrender her sovereignty for the time being" and his determination "to undo the flagrant wrong." Then he was to inform the members of the Provisional Government that they were expected promptly to relinquish to her her constitutional authority. This was to be conditioned upon Liliuokalani's willingness to pursue a humane policy toward her subjects, including those who had removed her from the throne.

Willis, a high-minded and chivalrous man, undertook to fulfil this errand. He first sought an interview with the queen, and asked her if, in case she was restored to the throne, she would extend amnesty as to life and property to the members of the Provisional Government and the others who had taken part in her overthrow. She thought for a few moments, and then with much deliberation replied that "such persons should be beheaded and their property confiscated."

Startled and horrified, Willis repeated her words after her,

and then inquired, "Is it your feeling that these persons should be beheaded and their property confiscated?"

"It is!" was her emphatic reply. She added that she understood and meant all that she had said. Thereupon Willis withdrew, promising to report her decision to the United States government and to deliver to her its reply.

The mission of Willis had been from the first regarded at Honolulu with much apprehension. It was feared that he had come for the purpose of forcibly restoring the queen to her throne, and this fear was greatly increased by the publication of a letter which Gresham had written to Cleveland, commenting upon Blount's report and declaring that nothing short of such restoration of Liliuokalani by the United States could satisfy the demands of justice. It seems probable that Gresham, animated by some passion which it is not pleasant to speculate upon, would have proceeded to the extreme of sending ships and forces to Hawaii to subjugate the people and to reimpose upon them the rule of a soverign whose first act would have been to order the wholesale slaughter of all who had opposed her arbitrary *coup d'état.* A mass meeting of the people of Honolulu was held, at which there was adopted and numerously signed an address to Willis, declaring that "any such acts of war or hostility" would be in violation of the rights of the people of Hawaii. The city was placed in a state of siege, and the Provisional Government withdrew the permission which it had granted for the troops on the American warships to come ashore for purposes of drill. British and Japanese warships entered the harbor, and these were looked to as possible protectors of Hawaii against American aggression. Willis was almost distracted with anxiety, but he renewed and redoubled his efforts to persuade the queen to accede to the reasonable requirements of the United States, and finally succeeded, at least in form. On December 18 Liliuokalani wrote him a somewhat fulsome note, enclosing a formal and solemn pledge, signed by her, that if she were reinstated as the constitutional sovereign of the islands, she would at once proclaim, unconditionally and without reserve, a full pardon and amnesty to all who had participated in the revolution.

In this she was probably sincere. Certainly Willis believed

her to be, and he accordingly proceeded with the second part of his mission. He wrote to the Provisional Government a statement of the beliefs and attitude of the American government toward it and toward the revolution which had put it into power, and formally demanded of that Government, to which he was accredited, that it should relinquish its authority to the queen and rule itself out of existence. It is doubtful if a diplomat ever before or since made so extraordinary a demand, which in effect was that his host should commit political suicide. It is impossible to suppose that Willis sent this message with any expectation that it would be complied with. He was therefore not surprised when there promptly came back to him a respectful but inflexible refusal so much as to entertain for a moment the demand of the American government.

It would, of course, have been impossible for the President or for Willis to restore the queen forcibly without the express authorization of Congress, since that would have been an act of war, for which Congress had not given permission and for which it was quite certain that it would not give permission. But that was not known in Hawaii, where the supposition prevailed that the President either did not need or had secured congressional sanction for his policy of forcible restoration. Consequently a serious degree of agitation and anxiety prevailed, and Dole, the president, protested to Willis against the continuance of such a state of affairs and asked to be informed of the intentions of the United States government, so that the uncertainty and suspense might be ended. To this Willis returned a noncommittal and evasive reply. But a few days later the virtual reign of terror among the people reached its climax when the two American warships lying close to the wharves made preparations for a landing of their armed troops. The troops were called to arms, drawn up in landing parties on the decks, and ordered to load their rifles and prepare for immediate action. The Hawaiians frantically trained all available guns upon the ships, and prepared to resist a landing as resolutely as possible.

Then a boat was lowered from one of the ships, manned by only four oarsmen and carrying a single naval officer. He was of course permitted to land, and then, seeking a private interview with one of the foremost citizens of Honolulu, he told him

that final orders had not yet been received as to their course of action, and he did not know whether or not they would be directed to land and forcibly to replace the queen upon her throne. But they had, he declared, no stomach for any such job, and he suggested that in case an attempt at landing in force should be made, the Hawaiians should fire not upon them but over their heads, at which they would, he said, feel compelled to put back to the ships and to abandon their purpose. The officer then returned to his ship. His message and its suggestion were conveyed to the Provisional Government, and while all the preparations for defense were maintained, anxiety was abated and the Hawaiians felt assured that the menace of intervention would not be fulfilled. A little later the welcome information reached the islands that Cleveland, on learning of the refusal of the Provisional Government to abdicate at his bidding, had turned the whole matter over to Congress and washed his hands of it. There was no possibility that Congress would execute the extreme designs which Gresham had broached. On the contrary, the foreign affairs committee of the Senate, with a chairman and majority belonging to the President's own party, after a searching consideration of the whole case, was compelled to present a report completely vindicating Stevens and the officers of the *Boston,* and reflecting unfavorably upon the unfair and partial methods of Blount in conducting his inquiries and making his report.

The tragic feature of the case was the fate of Willis. It is impossible to determine whether the pretense of getting ready for a landing from the warships was a device of his own conception, or was the result of orders from Washington. No record can be found to throw light upon the incident. But there is no doubt that the episode was profoundly humiliating to him. He also felt deeply the coolness, amounting almost to ostracism, with which he was treated in Honolulu, because of the unwelcome rôle which he had been forced to play. The mental burden which he carried weighed upon him, broke down his health, and caused his death while he was still striving to fulfil his impossible mission.

The American secretary of state, finding himself baffled in his endeavors to restore Liliuokalani to the throne, adopted an

attitude of scarcely veiled hostility to the Hawaiian government. He found what he regarded as cause for a diplomatic quarrel with L. A. Thurston, the Hawaiian minister at Washington, and demanded his withdrawal. This was of course granted, and a new minister, W. R. Castle, was sent in his stead. But Thurston almost immediately returned to Washington as a special agent of the Hawaiian government.

After a year of successful experience with the Provisional Government the people of Hawaii, despairing of annexation to the United States, determined to establish a permanent government and to make their independent status perpetual. An admirable constitution was adopted, modeled as far as was practicable after that of the United States, and a Government was organized under its provisions. This Government was formally installed on July 4, 1894, amid the rejoicings of the people, who thereafter turned their minds away from thoughts of annexation and strove to make the separate career of Hawaii as prosperous as possible. In this they were, however, confronted with some unfavorable conditions, especially in the attitude of the United States and Great Britain. The local representatives of the latter power had all along shown strong sympathy with the deposed queen and had maintained close relations with her and her retainers. The officers of the British warship which was usually stationed at Honolulu pursued the same policy, and even went so far as to attend secret meetings of the queen's followers at which plans for overthrowing the republic and restoring the monarchy were discussed. Thus conspiracies against the Government were encouraged and the islands were kept in a state of anxiety. The case was further aggravated by movements of the British government toward the seizure of one of the Hawaiian Islands. Necker Island, one of the northwestern members of the group, was coveted for a cable station, for the British trans-Pacific cable which was about to be laid, and would undoubtedly have been taken for that purpose had not the Hawaiian government adopted vigorous measures to assert its own sovereignty there. The British government at first indeed recognized Hawaiian sovereignty over the island, and asked for permission to use it as a cable landing. The Hawaiian government replied that it was under obligations to the United States

not to grant any such privileges to any other nation without its consent, and the matter was therefore referred to Washington. Cleveland, doubtless acting under Gresham's promptings and urgings, sent to Congress a strong recommendation that the permission be granted. Congress, however, refused to grant it, and the British government was informed of that fact and of the consequent inability of Hawaii to make the desired concession. At that plans were apparently formed, either by British authorities or by individual Englishmen on their own responsibility, to seize the island by strategy or by force. Learning of this, the Hawaiian government quickly sent a small expedition thither, which raised the Hawaiian flag on the island and erected a tablet declaring the place to be Hawaiian territory. With that the incident was ended, and the British sought another island, of their own, for a mid-sea cable station.

The United States government was advised of all these things, and was asked to increase its naval force in Hawaiian waters in order to give the islands moral countenance. This it declined to do. On the contrary, it added to the embarrassments of the insular government by pressing against it a claim for a large indemnity for the imprisonment of an American citizen who had engaged in the late revolution. Nor was this the worst. There followed an incident which it is difficult to explain on grounds not almost inconceivably discreditable to the American government, or to its then secretary of state. In the summer of 1894 a committee of the queen's retainers visited Washington and was received by the secretary of state. Its members stated that they were conspiring for the overthrow of the republic and the restoration of the queen. Gresham replied that the United States was not concerned in the domestic affairs of Hawaii and would not meddle therein. Then the committee informed him that if there were no American warship in Hawaiian waters, their task would be much facilitated and they would be able to accomplish their purpose. Gresham's reply to this is not on record and cannot be stated with certainty; though it may be inferred from the sequel. The committee purchased a large supply of arms and ammunition, which it took back to Hawaii with it, and it announced upon its return to Honolulu that the American warships were about to be withdrawn. A little later

the *Philadelphia,* the only American ship there, received peremptory orders to leave Honolulu and to repair to San Francisco. This was done, and for the first time in many years the islands were left without the guardianship of an American vessel. Taking advantage of this situation, at the beginning of January, 1895, Liliuokalani's supporters organized an outbreak and sought to loot the city of Honolulu. The Hawaiian forces were promptly summoned against them, and after a few days of desultory fighting the movement was completely suppressed. It was found that it had been instigated and planned at the queen's own house, where the supplies of arms and ammunition which the committee had procured in the United States were stored. Several British subjects were also implicated in it. All the leaders were tried and condemned to fine, imprisonment, or exile. Liliuokalani herself, hoping to escape the punishment due for her participation in the plot, hastened to sign a document completely abdicating the throne and renouncing forever all claims upon it, and in addition she took the oath of allegiance to the republic. It was, however, too late for her to avoid all penalty. She was arrested, tried, found guilty of misprision of treason, and sentenced to pay a fine of $5000 and to suffer imprisonment. A little later she was released and placed on parole; and in October, 1896, she received a plenary pardon, remitting the fine and restoring her to citizenship. After this episode the insular republic seemed securely established, and it entered upon a period of comparative peace and quiet, and of marked prosperity.

In the following year, 1896, the question of American policy in Hawaii and of Hawaiian annexation figured largely in the Presidential campaign in the United States; the more so because Liliuokalani, having been released from custody, came to the United States and spent some time at Washington. She sought personally to interest the President in her claims, which, despite her former renunciation, she seemed inclined to renew, and she for some time maintained a staff of lobbyists seeking to influence Congress in her favor. Her efforts met with no success, however, and the ensuing election resulted in the choice of a President, William McKinley, who was known to be favorably inclined toward the annexation of the islands.

Soon after the accession of McKinley, in 1897, a new annexation treaty was negotiated between the two governments. This instrument was similar in terms to that of 1893 which Cleveland had suppressed, excepting that it omitted to provide any indemnity or pension for Liliuokalani, or for the Princess Kaiulani. I was held by the Hawaiians that the former queen, by fomenting the attempted insurrection of 1895 and by otherwise conspiring against the republic, had forfeited all claim to such consideration. As for the princess, she had already been provided by the Hawaiian government with a life pension of $2000 a year, which would of course be continued under the treaty. When the treaty was sent to the Senate for ratification, it became the subject of an animated and embittered debate. Party lines were pretty strictly drawn, and instead of being considered as a question of foreign policy the matter was made an issue of domestic partizanship. In the end it was found that while a majority of the Senate favored ratification, it would not be possible to secure the needed two-thirds majority. The treaty was therefore held in abeyance.

Meantime in April, 1898, war was declared between the United States and Spain, and the operations at Manila in May made it necessary for the United States to send a large force across the Pacific. At this the Hawaiian government, disregarding neutrality, opened its ports freely to this country, to use as though they were its own. The Spanish government protested against this, but was powerless to prevent or to resent it. The islands thus practically allied themselves with the United States, and were of immense service to us. This incident recalled to mind the annexation treaty, which was slumbering in a Senate pigeon-hole, and it was decided to dispose of that matter without further delay. It was still impossible to secure the needed two-thirds majority, however, and so the friends of the administration decided to let the treaty drop, and to resort to the precedent which had been set many years before in the case of Texas. It will be recalled that Texas, in similar circumstances, was annexed by a joint resolution of the two Houses of Congress, for which only a majority vote was required. The constitutionality of that action had never been fully conceded, though nobody had cared to challenge and to try it in the courts.

Moreover, in the Hawaiian case there was less ground for objection, since it was not proposed, as in the case of Texas, to take the new territory directly into statehood. Indeed, there was no intention to regard it as ever destined for that status. The joint resolution was accordingly introduced, and was quickly passed by the House by an overwhelming majority. In the Senate it met with bitter opposition, and all sorts of "filibustering" devices were employed in a desperate effort to defeat it. On July 6, however, the resolution was passed. A few days later it was signed by the President, and thus Hawaiian annexation became an accomplished fact. The news of this achievement was received on the islands with such a universal demonstration of approval and rejoicing as had never been known before, not even upon the establishment of the Hawaiian republic. The actual transfer of sovereignty was effected with impressive ceremonies at Honolulu on August 12, and on that date Hawaii became one of the territories belonging to the United States.

The annexation of the islands was regarded by the Japanese government with some apprehension, and the Japanese minister at Washington represented to our state department that the maintenance of the *status quo* in Hawaii—meaning the independence of the islands—was essential to the good understandings of the powers having interests in the Pacific; and that the absorption of those islands by the United States would tend to endanger certain rights of Japanese subjects and might result in postponing the settlement of claims then existing in favor of Japan. At the same time he strongly denied that the Japanese government had any designs of its own against the territorial integrity or sovereignty of the islands. The Government of the United States in reply declared that while the treaties of Hawaii would fall with annexation, that would not destroy any vested rights which had previously been acquired under them; and that since annexation was merely the logical culmination of a policy and process of events of many years' existence, "the projected more perfect union of Hawaii to the United States" could not "injure any legitimate interests of other powers."

The British government also made representations on the subject, expressing apprehension "lest one of the results of the annexation may be to interfere with the carrying trade between

those islands and the United States, no inconsiderable portion of which is now done in British bottoms.'' So long as Hawaii was independent, British vessels were free to trade between it and the United States. But it was feared that as soon as the islands were annexed the domestic coasting trade laws of the United States would be applied and all foreign shipping would be excluded. This fear was of course well founded. But the injury to British shipping was very slight, for the reason that the Hawaiian trade had for some time been almost exclusively in American vessels. The total combined entries and clearances of vessels between Hawaiian ports and ports of the United States during the fiscal year ending June 30, 1897, were 461 vessels of 361,173 net tons; of which 394 vessels of 283,211 were American, and only 13 vessels of 19,040 tons were British.

There also arose some questions concerning quarantine and immigration, particularly the prohibition of Chinese immigration, the net outcome of which was that the laws and regulations of the United States were extended and applied to these insular possessions, with the acquiescence of all nations concerned.

XXIX

LATIN-AMERICAN NEIGHBORS

THE relations of the United States with the countries of Central and South America during the Civil War and the generation following were chiefly sporadic and incidental. Little effort was made to cultivate intimate political, social, or commercial intercourse, and the Monroe Doctrine, which was supposed to be the principal index and guide of our conduct toward them, was maintained as a formal letter instead of being developed into a vital spirit. Diplomatic negotiations with those Governments therefore consisted principally of the settlements of disputes arising from claims preferred by one country against another, though sometimes of benevolent mediation or arbitration by the United States in controversies between some of those States or between them and European powers.

In 1866 war occurred between Spain and a South American alliance composed of Peru and Chile, and appeal was made to the United States for an assertion of the Monroe Doctrine which would protect the latter countries from the attack of the former. Seward, then secretary of state, replied that the United States would maintain and insist with all possible decision and energy that the republican system of government in the South American States should not be wantonly assailed and should certainly not be subverted as a result of a war waged by any European power. Beyond that position the country could not go. The Monroe Doctrine was not a screen or shield behind which American States could avoid the discharge of their just obligations; nor did it forbid the waging of war against them by European powers, for cause. So long as there was no attempt to destroy their republicanism and their independence and to establish monarchical governments in them, the United States could not be expected to intervene. That was a perfectly sound

principle, and it was put forward by one of the most resolute upholders of the Monroe Doctrine. It may have been disappointing to some in South America, who regarded this country as the protector of its neighbors in any event. If so, their disillusionment was salutary, and tended to give them a more just appreciation of the Monroe Doctrine and a stronger inclination to do justly and to develop self-reliance.

At the close of this war a controversy arose between Peru and Chile concerning the accounts of their expenditures in maintaining their allied naval squadron, and a protocol was concluded between them under the terms of which the matter was to be referred for arbitration to C. A. Logan, the United States minister at Santiago de Chile. With the consent of the state department he accepted the charge, and on April 7, 1875, he gave his award. The whole case was purely technical, involving merely matters of fact and processes of bookkeeping and calling for the assertion of no general principle of policy. Similar appeals to United States ministers were made at other times. In 1862 E. O. Crosby, the minister to Guatemala, had acted as umpire between Great Britain and Honduras in a minor dispute over land titles. Again in 1869 the Earl of Dundonald preferred through the British minister at Rio de Janeiro a claim against the Brazilian government for services rendered by his illustrious father in the war of independence of that country; and the United States and Italian ministers at Rio de Janeiro were asked to serve as arbitrators; which they did, with satisfactory results.

An old claim of certain British subjects against the Government of Colombia was taken up for settlement under a convention made in December, 1872, and William E. Scruggs, the United States minister at Bogota, was requested to serve as an arbitral commissioner on behalf of Great Britain. He accepted the trust and then reported the fact to the state department, which gave its assent, but suggested to him that he should have asked for it before accepting. The case involved not merely technicalities but some important principles, similar to those of certain cases to which the United States was a party, and Scruggs was therefore urged by the secretary of state to give to it his most careful and discreet attention. After a prolonged and painstaking trial an award was made by Scruggs, in which

the Colombian commissioner, General Salgar, heartily concurred and which was highly satisfactory to both of the Governments. The Colombian government expressed its appreciation of the "intelligence, studious care, and known good faith" of the arbitrators, and the British government made a like acknowledgment and offered to each of the arbitrators a handsome silver inkstand suitably inscribed by the queen. General Salgar of course accepted his gift, but Scruggs under the United States Constitution was inhibited from doing so without the permission of Congress. The Senate gave its permission, but the House of Representatives, with the crass boorishness which occasionally characterizes the conduct of American politicians in foreign affairs, seemed to think it a fine display of "patriotism" to refuse to do so; and in consequence a particularly efficient and faithful public servant of the nation was denied the privilege of receiving that memento of an incident of distinguished service.

A territorial dispute between Argentina and Paraguay was submitted to arbitration in 1876, and the President of the United States was requested to act as umpire. The case involved title to the extensive region known as El Chaco, and rested upon historical, geographical, and other data. The President, Rutherford B. Hayes, gave careful attention to it, and on November 13, 1878, rendered his decision, which was in favor of Paraguay. The award was transmitted to the two Governments by the secretary of state, William M. Evarts, and was loyally accepted by both.

Costa Rica and Nicaragua also sought the arbitral services of the President of the United States for the settlement of a boundary dispute, in December, 1886; the question at issue being the validity of a boundary treaty of 1858. Both countries earnestly requested him to perform this service, or to delegate it to some suitable substitute if he was unable personally to give it attention. Accordingly the President, Cleveland, in January, 1888, designated George L. Rives, an assistant secretary of state, to hear and to examine the arguments on both sides and to report thereon to him. The resultant award simply confirmed the validity of the treaty of 1858 and directed the adjustment of the boundary in accordance with it. But it was

impossible to do this, because of the disappearance of some essential landmarks, and the case was afterward referred to the President of Salvador for a final settlement.

A long-standing dispute between Argentina and Brazil over title to the so-called Misiones territory was, in September, 1889, submitted to arbitration, and the President of the United States was named as arbitrator. The duty was accepted, but the case was so prolonged that an award was not made until February 5, 1895, and then it was made not by Benjamin Harrison, who had been President when the arbitration was agreed upon, but by his successor, Grover Cleveland. The award was in favor of the Brazilian claim, and was accepted without demur. The Brazilian government expressed its thanks for the President's "never to be forgotten services for the recognition of its rights." The Argentine government, while realizing that its claims had been denied, hailed the decision as a victory for peace, justice, and friendship, saying: "This high example given to the sister nations of South America will in the future bear its fruit as an honorable international precedent." There were on both sides the most cordial official and popular expressions of grateful appreciation to the President of the United States for having "so carefully and conscientiously exercised his functions as arbiter."

Still another appeal was made to the President for arbitration between Colombia and Italy, in the case of Ernesto Cerruti, an Italian domiciled in Colombia, against the Colombian government for arrest and imprisonment and sequestration of his property on account of his participation in a revolutionary movement. Cerruti was released from prison by the landing of an armed Italian force, whereupon diplomatic relations between Colombia and Italy were suspended. The mediation of Spain led to the making of a protocol, in May, 1886, under which Cerruti's real estate was to be restored to him and all other issues in the case were to be referred to Spanish arbitration. The questions were, whether Cerruti had lost his condition as a neutral alien, whether he had lost the rights and privileges of an alien in Colombia, and whether he was entitled to an indemnity. The decision of the Spanish government was in favor of Cerruti on all the points. Colombia accepted it, but a further dispute

arose over the question of indemnity, concerning the actual amount of his losses. At this, in 1890, the secretary of state, Blaine, instructed the minister of the United States at Rome to intimate to the Italian government the desire and willingness of the United States to aid in any proper way "toward a better understanding," but added: "Our position of perfect and impartial friendship toward both powers should not be weakened by any show of voluntary intervention, without a distinct intimation that an expression of the disinterested views of this Government on the matter now in dispute would be agreeable to both parties. . . . Your discreet and friendly offices, thus freely held at the disposal of both parties, will, it is thought, more effectively aid a practical determination of the impending controversy than would the formal tender of our mediation; and at the same time make unnecessary any emphatic insistence on the deep concern with which this Government would view the expansion of this simple matter of detail into a serious question between a friendly European power and a neighboring American State, to which we are allied by strong ties of tradition and common interest." In consequence of these representations it was finally decided to submit the case for settlement to the President of the United States. The award was made by President Cleveland on March 2, 1897, disallowing some of Cerruti's claims and confirming others. The indemnity was thereupon paid by Colombia, but protest was made by Colombia against the award as being invalid and beyond the defined powers of the arbitrator, on the grounds (1) that it did not determine and declare any amount of indemnity which the claimant was entitled to receive from Colombia through diplomatic action, (2) that it did not put an end to any subject of disagreement between the two governments, (3) that it did not constitute a final disposition of any claim submitted, (4) that it imposed on the Government of Colombia an uncertain and undetermined liability, (5) that it provided for the continuance of disagreements which the protocol was designed to end, and (6) that it involved a delegation of the authority of the arbitrator to some persons and tribunals not named in the protocol nor designated in the award, at times and in modes undefined and unauthorized, to ascertain the amounts and conditions

of further liability of Colombia to the claimant by reason of the claims submitted to arbitration.

This protest was made at the close of Cleveland's administration, and the reply to it was made by John Sherman, secretary of state in the succeeding administration of President McKinley; to the effect that the President could not under any circumstances reopen the case or reconsider the award; save by request of both parties for a new submission and a new arbitration. Such request was not made, and in the further disposition of the case the United States was therefore not concerned.

More numerous than the foregoing were the disputes between the United States and various Latin-American countries, some of which were disposed of by direct negotiations and others by reference to impartial umpires. A long series of claims against Colombia was submitted to the arbitration of Sir Frederick Bruce, the British minister at Washington, in 1866. Most of these claims were on account of riots at Panama on April 15, 1856, which arose over the nonpayment of ten cents for a slice of watermelon and which led to the killing of many persons, wholesale destruction of property, seizure of vessels, and other acts, on account of which indemnities of nearly half a million dollars were demanded. Various other claims were considered at the same time, a few of them dating as far back as the Colombian war of independence. Sir Frederick Bruce made a painstaking examination of all these matters, and made awards of indemnities aggregating nearly $90,000 with interest.

Another controversy with Colombia arose over the seizure of an American schooner, the *Montijo,* in Colombian waters between David and Panama, by revolutionists, on April 7, 1871. The act was denounced by the United States government as piratical and demand was made upon the Colombian government for redress. An indemnity of $94,465 was demanded. The Colombian government replied by denying that it was responsible for the losses which foreigners might suffer from what it described as "common crimes." It had resorted, it said, to all the means in its power to punish the criminals, and nothing more than that could be required of it. The United States retorted that the seizure of this vessel was not a "common crime."

It had been made by persons who were in conspiracy and revolt against the legitimate government of the Province of Panama, and with whom the Colombian government of the Province of Panama had since made a treaty under which it "granted amnesty to the wrongdoers for all their acts, and assumed the responsibility for all damages arising out of the revolution." These circumstances, it was argued, differentiated this act from the "common crimes" of private individuals and fixed responsibility upon the Colombian government for full satisfaction to the aggrieved claimants. The Colombian government repeated its protestations that it had done and was doing all that it could do to punish the captors of the vessel, and it then referred the case to the authorities of the Province of Panama, with whom the first duty of prosecution rested. The case was thus made to resemble those in New Orleans and elsewhere, already recounted, in which the United States government threw upon the state authorities responsibility for the prosecution of offenses against aliens. The Panama courts found that the crime of piracy had not been committed, and this decision was sustained by the Supreme Court of Colombia.

Diplomatic negotiations had at first been conducted by Stephen A. Hurlbut, the American minister at Bogota. He was succeeded by William L. Scruggs, and the latter, in December, 1873, secured an agreement to refer the case to arbitration. The formal agreement was signed on August 17, 1874. A commissioner for each of the two countries was chosen, and Robert Burch, the British minister at Bogota, was selected as umpire. The award of the umpire, made on July 26, 1875, was that the Colombian government was responsible to the owners of the *Montijo* for the seizure of that vessel and their consequent damages and loss; but not to the captain, officers, and crew of the vessel for their personal losses. The indemnity prescribed for the owners amounted to $33,401, without interest. This disposition of the case was accepted by both parties, the indemnity was paid, and Scruggs was congratulated by the United States government on the success of his diplomacy.

Record has already been made of the sending of a naval expedition to Paraguay in 1858–59 to exact reparation for alleged injuries suffered by the United States and Paraguay Navigation

Company in 1853, and for an outrage upon the United States vessel *Water Witch* in 1855. James J. Bowlin was sent with the expedition as a special commissioner to negotiate a settlement, and he secured from the Paraguayan government an ample apology for the attack upon the *Water Witch* and an indemnity of $10,000 for the family of one of her crew who had been killed. He also made a treaty, under which the claim of the navigation company was to be arbitrated. For the latter purpose there was then constituted a joint commission, consisting of one representative of Paraguay, José Berges, and one of the United States, Cave Johnson, formerly postmaster-general. The award, which was drafted by Johnson, was altogether in favor of Paraguay. It declared that the United States and the Paraguay Navigation Company had not established any right to indemnity, but on the contrary had been guilty of enormous if not criminal exaggeration of its demands, and of "studied and malignant assaults upon the president and people of Paraguay for the mere purpose of putting money into the pockets of those claimants."

This award caused President Buchanan much chagrin. The naval expedition, of which this was the net result, had cost the country something like three million dollars. He therefore reported to Congress that the commissioners had exceeded their authority. Elsewhere it was charged that Johnson, who was from Tennessee, was prejudiced against New England, where the ownership of the United States and Paraguay Navigation Company chiefly was, and for that reason had decided against what were really lawful and just claims. After some discussion in the Senate the matter was referred to Charles A. Washburn, the new American minister to Paraguay, in 1861, and he endeavored, though without success, to get the Paraguayan government, then dominated by the dictator Lopez, to reopen consideration of the case. The whole matter was thus left in abeyance for many years. But in December, 1885, a petition in behalf of the company was presented to the state department at Washington, and the secretary of state, Bayard, directed the chargé d'affaires in Paraguay, John E. Bacon, to take the subject up with the Government of that country. The Paraguayan minister for foreign affairs, José S. Decoud, was in a receptive

mood, and discussed the matter for a time, and then passed it on to his successor, Benjamin Aceval. The result was that on August 12, 1887, a protocol was signed under which it was agreed that the Paraguayan government should pay the navigation company an indemnity of $90,000 in gold, without interest. This protocol was submitted to the Paraguayan Congress, and was approved by the Senate, but it failed by a single vote to pass the House. Aceval then resigned his office and was succeeded by Decoud, who signed another protocol similar to that which had been rejected, which was, as before, passed by the Senate but rejected by the House. No further attempt at a settlement was made.

The seizure of two American guano vessels, the *Georgiana* and the *Lizzie Thompson,* by Peru in 1858 led to a controversy which in 1860 involved the suspension of diplomatic relations. These were renewed by President Lincoln, and in 1862 Christopher Robinson, the American minister to Peru, signed a convention under which the matter was to be referred to the King of the Belgians as "arbiter, umpire, and friendly arbitrator," with plenary power "to decide and determine all the questions both of law and fact," concerning the seizure and confiscation of the vessels. The king declined to serve, however, on the ground that special circumstances made the case one of peculiar delicacy and rendered it unfitting for him to attempt to decide it at so great a distance from the scene and without having a more perfect knowledge of local laws and ordinances than he could acquire. On account of this declination, the United States government abandoned the claims, having apparently come to the conclusion that they were not valid. Another claim involving the same essential principle was presented in 1863 by Henry W. Raborg, but the United States government declined to take it up.

A long-protracted controversy with Chile had its origin in 1819, when the cargo of the American brig *Macedonian,* consisting largely of specie, was seized in Peru by Chilean soldiers under the direction of Admiral Cochrane, and the captain was held a prisoner until he would sign a paper relinquishing all claim thereto. For this seizure the Chilean government made reparation, but in 1821 another seizure was made by Cochrane's

orders, of a large sum of money which had proceeded from the sale of goods landed from the same vessel. Demand was made upon the Chilean government for redress, but it was declared that the *Macedonian* and her cargo were at least in part the property of Spaniards, and thus were lawful prizes in view of the war existing between Chile and Spain. After years of ineffective correspondence on the subject a convention was at last signed by John Bigler, the American minister to Chile, providing for arbitration by the King of the Belgians. Several years more elapsed before a verdict was rendered, the King of the Belgians meanwhile giving to the case more personal attention than is usually given by royal arbitrators. At last, on May 15, 1863, an award was given, to the effect that the claim was well founded, and that Chile should pay as indemnity the sum of $42,400, with some years' interest.

Two vessels, the *Franklin* and the *Good Return,* were seized by Chilean authorities in 1832 on a charge of violation of the customs laws, and much correspondence ensued. The case of the *Franklin* was settled in 1855 by the payment by Chile of nearly $15,000 indemnity. That of the *Good Return* dragged on for some years more. In 1872 Chile proposed arbitration, which was declined in the hope that a speedier settlement could be made by direct negotiation. In 1873, however, a protocol was signed, providing for arbitration by the German minister at Santiago. Before he could undertake the case he fell ill and was obliged to return home, and the Italian minister was substituted for him. Then the Chilean foreign minister asked the Congress of that country, in advance of arbitration, for authority to settle the claim with a lump sum indemnity. This was granted, and the case was disposed of by the payment of $20,000.

In 1879–82, there was war between Chile on the one hand and Peru and Bolivia on the other. The Chileans were victorious, and proceeded to an extensive spoliation of Peruvian and Bolivian territory, seizing two rich provinces from the former and depriving the latter of all her sea-coast. There was little doubt that Chile treated her neighbors with extreme harshness, but the United States had no cause for intervention or for anything more than the maintenance of benevolent neutrality,

and the tender of good offices as a mediator if the belligerents cared to avail themselves of them. Such offices were not, however, desired. Unfortunately the attitude of the United States was made to appear not altogether impartial. The secretary of state, Blaine, during the latter part of the war showed an unmistakable preference for Peru, if not actual animosity toward Chile, and thus aroused a degree of resentment in the latter country, the bad effects of which were perceptible for many years.

In 1891 revolutionary movements occurred in Chile, into which the United States was unhappily drawn. Balmaceda, the president of that country, was charged with seeking to establish a dictatorship, and there was a formidable uprising against him, which soon attained proportions which warranted the insurgents in asking for recognition as belligerents. Unfortunately the United States was not well represented there at the time. The minister, Patrick Egan, was a political refugee from Ireland, who had been a naturalized citizen of the United States for only a short time, and who was plausibly and probably correctly believed to have been appointed to the place by the secretary of state, Blaine, in reward for his services in rallying the Irish voters of the United States to the support of the Republican ticket in 1888. He was not qualified, by information, experience, or disposition and habits, for a diplomatic post, and he was of course particularly obnoxious to the large British element in Chile, while on account of the friction between the two countries in Samoan affairs Germany was not pleasantly disposed toward the United States. Thus Egan, unfit for the place in any circumstances, found himself—and because of him, the United States—practically boycotted by the representatives of the two chief foreign powers in Chile.

In these circumstances, Egan associated himself closely with Balmaceda and used all possible influence in his favor and against the insurgent or Congressional party. His despatches to the Washington government strongly favored Balmaceda, and were suspected of failing impartially to represent the situation and the progress of affairs. In consequence, much dissatisfaction with our Government's course arose in the United States, where popular sympathy was on the side of the insurgents and

where through other channels of information the partial and distorted character of Egan's reports was known. In one flagrant case, indeed, Blaine and Egan went far out of their way and violated international law in order to befriend Balmaceda. This was when a Chilean vessel, the *Itata,* in the spring of 1891, took on at San Diego, California, a cargo of arms and ammunition for the Congressional party in Chile. Balmaceda protested against this, as an infringement of neutrality, and our state department, in excess of zeal in Balmaceda's behalf, sent an agent to seize the vessel, or to prevent her departure. This agent was unable to exhibit any proof of his authority, or even of his identity, and the officers of the vessel therefore declined to recognize him. They put him ashore, and hastened to sail for Chile. Blaine then took the egregiously ill-advised step of sending the United States cruiser *Charleston* in hot pursuit, to overhaul the *Itata* on the high seas, if possible, and to bring her back. This was monstrous folly, for the United States had been a stickler for the perfectly sound principle of international law that a vessel could not be apprehended on the high seas for a violation of port regulations or of the neutrality laws in getting away with contraband of war. The pursuit was vain, for the *Itata* had a long lead, and reached the Chilean port of Iquique in advance of the *Charleston.*

On the arrival of the *Itata* at Iquique, however, Admiral McCann, commanding the United States fleet in those waters, under Blaine's orders, made a demand upon the Chilean authorities for her surrender, backing up his demand with a display of force, and the vessel was accordingly surrendered to him, with her cargo, and was sent back to San Diego and delivered to a United States marshal. The case was promptly carried into the courts, with the result, which might have been confidently foreseen, that the vessel was ordered released, on the ground that there had been no cause for seizing her. The court cited the recognized provision of international law, that "an inmate of a foreign ship who commits an infraction of the criminal law of a nation within its territory cannot be pursued beyond its territory into any part of the high seas." Again, "The municipal laws of a nation do not extend in their operation beyond its own territory, except as regards its own citizens, and a seizure for

a breach of municipal laws of one nation cannot be made within the territory of another." "It would be monstrous," said Mr. Justice Story, "to suppose that our revenue officers were authorized to enter into foreign ports and territories for the purpose of seizing vessels which had offended against our laws." Therefore the court, in the case of the *Itata*, held that the United States committed an act for which it was liable in damages and for which it should have been held to answer. The net result was materially to discredit our state department and to increase Chilean irritation against this country.

The Congressional revolution in Chile was successful, and Balmaceda was overthrown and committed suicide. The revolutionists then established a government and began the rehabilitation of the country after what had really been a particularly bloody and costly war. Charges were made with some show of ground that the United States, under Egan's direction, had improperly aided Balmaceda by giving him information as to the conduct of the war, and had at the same time deprived the Congressional party of the means of acquiring legitimate information by having some of our marines cut a submarine cable. Following close upon this came a tragic incident which brought the countries to the verge of war. On October 16, 1891, a number of sailors from the United States ship *Baltimore* fell in with some Chilean sailors in a drinking saloon in Valparaiso, and a violent affray occurred. There was much disagreement of testimony concerning its origin. Probably all had been drinking and were excited with liquor as well as with what passed for patriotic ardor. Words led to blows, the Americans were outnumbered and badly beaten, and one of their number was killed. The United States government declined to regard it as a mere sailors' brawl, but insisted that it was a deliberate assault upon United States sailors and upon the American flag. Accordingly prompt reparation was demanded. The Chilean government made reply in almost precisely the same terms that the United States had used, during the same administration, and only a few months before, in its reply to the Italian demand for reparation for the New Orleans massacre, to wit, that the case was in the hands of the local authorities, and that the Government could not act in advance of them. This circumstance was

perceived by the Chilean minister for foreign affairs, and was pointed out by him in a note to all the representatives of foreign powers in Chile, in which he declared that President Harrison's message to Congress on the subject was based on grounds which were either erroneous or deliberately incorrect. In time the Valparaiso authorities reported upon the case, to the effect that the affray was a mere quarrel of drunken sailors, and that there was no attack upon the dignity of the United States.

This was not satisfactory to the United States, or to Blaine, and an ultimatum was presented to the Chilean government on January 21, 1892, demanding a suitable apology and indemnity. A special message on the subject was sent to Congress, and for a few days war with Chile was expected. The Chilean government yielded, however, and on January 28 Harrison was able to inform Congress that a satisfactory settlement had been secured, and that an apology had been made for the Chilean foreign minister's reflections upon the President's message. An indemnity of $75,000 was paid by Chile, and the affair was thus disposed of; but it left much ill feeling behind it, which endured for years. It may be added that this feeling was intensified by Egan's course in making his official residence an asylum for dozens of Balmaceda's partizans, whom he kept there for some time in defiance of the Government.

Numerous claims of Americans against Chile, and some of Chileans and others against the United States, arose out of the war between Chile and Peru and the Chilean civil war, and for their settlement a convention was made on August 7, 1892. Under this the claims were to be referred to a commission composed of one representative of the United States, one representative of Chile, and a third member selected by those two or, in default of their agreement, by the President of Switzerland. The American commissioner was John Goode, the Chilean was Domingo Gana, and the third member, appointed by the Swiss president, was Alfred de Claparede, minister of Switzerland at Washington, who was made president of the commission. Unfortunately the treaty allowed entirely too short a time for the preparation and presentation of claims, and the result was that a large number could not be acted upon. Among these was the claim for $226,242 on account of the seizure of the *Itata.* The

commission recommended that all these undisposed-of claims should be referred back to the two Governments for future settlement, without prejudice.

There were presented forty American claims against Chile, and three Chilean claims against the United States. The commission found in favor of the United States on six claims, and made awards amounting to $240,564.35; eighteen were left undetermined; ten were disposed of on demurrer against the claimants.

Numerous claims arose between the United States and Costa Rica, largely out of the conflict between that State and Nicaragua during the Walker episode. For the settlement of these a convention was concluded at San José on July 2, 1860, providing for the appointment of a commissioner from each country, who should examine and adjudicate all claims. It was, however, stipulated that no claim should be considered which was submitted by a citizen of the United States who had been a belligerent during the occupation of Costa Rica by the troops of Nicaragua. The commissioners were Benjamin F. Rexford for the United States and Luis Molina for Costa Rica. They met at Washington on February 8, 1862, and agreed to call upon the Italian minister at that capital to serve as an umpire between them in case of need. Thirty-four cases were submitted to them, of which they rejected thirteen. The remaining twenty-one they admitted as worthy of adjudication, but they could not agree on a single one of them, and therefore remitted them all to the umpire, Joseph Bertinatti. He rejected nine of them, claims against Costa Rica, as not proved. The others he allowed, to the gross sum of only $26,704.14. The total amount originally claimed in all the cases was more than $1,700,000.

A claims convention was also made between the United States and Ecuador, at Quito, on November 25, 1862, for the reference of all claims to a board of two commissioners, one from each country. Frederick Hassaurek was appointed as the commissioner for the United States, and Francisco U. Tamariz for Ecuador. The commission organized at Guayaquil on August 22, 1864. Alcides Destruge, Colombian consul general at Guayaquil, was chosen as umpire. There were considered fourteen claims against Ecuador, and none against the United States. Of

these four were decided unfavorably; one, of only $79, was paid at once by Ecuador; and the remaining nine were allowed, to an aggregate sum of $94,799.56.

For some years before the French invasion of Mexico, as well as during that episode, American claims against Mexico accumulated, as did also Mexican claims against the United States, the latter chiefly for Indian depredations. In consequence Seward, our secretary of state, and Romero, the Mexican minister at Washington, on July 4, 1868, concluded a convention for the adjustment and settlement of them all. This instrument was largely copied after that of February 8, 1853, between the United States and Great Britain, which Seward regarded as a model. It provided for the submission of all claims arising since the treaty of Guadelupe Hidalgo to a commission consisting of one representative of each country, and an umpire if necessary. William Henry Wadsworth was the United States commissioner and Francisco G. Palacio the commissioner for Mexico, the latter after a time resigning and being succeeded by General Leon Guzman, who died and was succeeded by M. de Zamacona. The umpire was Dr. Francis Lieber, the distinguished international jurist, who died during the sessions of the commission and was succeeded by Sir Edward Thornton, the British minister at Washington.

The commission began its work at Washington in August, 1869, and held its last meeting on January 31, 1876. There were decided 227 American and 314 Mexican claims by Messrs. Wadsworth and Palacio, and 353 American and 594 Mexican claims by Messrs. Wadsworth and Zamacona; 20 American and 15 Mexican claims by Dr. Lieber, umpire, and 398 American and 62 Mexican claims by Sir Edward Thornton, umpire; while 12 American and 13 Mexican claims were consolidated with others, and 7 American claims were withdrawn. There were thus disposed of no fewer than 1017 American and 998 Mexican claims. Of the claims decided by the commissioners, 43 American were allowed and 537 were dismissed; and 162 Mexican were allowed and 746 were dismissed. The awards against Mexico aggregated $4,125,622.20, and those against the United States $150,498.41; leaving a balance due from Mexico to citizens of the United States of $3,975,123.79. The original Amer-

ican claims against Mexico had amounted to more than $470,000,000, and the Mexican claims against the United States to nearly $87,000,000!

More than one fourth of the whole sum awarded against Mexico was for two claims, namely, those of the La Abra Silver Mining Company for dispossession and for seizure of ore, and of Benjamin Weil for cotton alleged to have been seized. After the awards had been made the Mexican government protested against payment, on the ground that the claims were fraudulent and that the commissioners and umpire had been grossly deceived. After much correspondence the United States Congress, on June 18, 1878, ordered an investigation. This was conducted by the secretary of state, William M. Evarts, and the result was an indecisive report, upon which Congress took no action. Meantime instalments were being paid on the claims. These were suspended in 1881, when Chester A. Arthur became President, and in July, 1882, a convention was made for a rehearing of the cases before an international commission, but it was not ratified by the Senate. The matter then dragged on before Congress without decisive action until December, 1892, when the court of claims at Washington was invested with jurisdiction over the two cases, to determine the charges of fraud. As a result, on June 24, 1897, the court decided that fraud had been employed in the La Abra case, and forbade the payment to that claimant of any of the money received from Mexico. In 1900 the United States returned to Mexico the undistributed balance of the awards which that country had paid, and in 1902 the sum of $412,572.70 was appropriated for the repayment to Mexico of those instalments of the award which had previously been distributed to the fraudulent claimants.

Another interesting claim against Mexico was on account of what was known as the "Pious Fund." This was a fund originally given by private persons to Catholic church organizations for the conversion of the heathen in the Californias. In 1836 the Mexican government had confided the administration of it to the Roman Catholic bishop of the two Californias; but in 1842 it had withdrawn it from him and covered it into the national treasury, recognizing, however, an obligation on the part of the government to pay six per cent. interest on it to the

church. Again in 1845 the Mexican government restored a part of the fund to the bishop and his successors, but retained the major portion of it. After the cession of Upper California to the United States a claim was brought against the Mexican government for $1,700,000 on account of that fund, by the Bishop of Monterey, California, and the Archbishop of San Francisco. This claim was laid before the commission, and was referred to the umpire, Sir Edward Thornton. He awarded to the claimants the sum of $904,979.79, for accrued interest for twenty-one years, leaving the question of the principal for future determination. The Mexican government declared its willingness to pay this, but insisted that it must be regarded as a full, final, and complete settlement of the entire "Pious Fund" claim. To this the United States would not assent, and at a later date the case was reopened and became the first submitted to the International Tribunal at The Hague, where it was ultimately decided in favor of the United States, in 1902.

This decision, the first made by the Tribunal of Arbitration at The Hague, was announced on October 14, 1902. The arbitrators were Sir Edward Fry of England and F. F. de Martens of Russia, named by the President of the United States; T. M. C. Asser of Holland, and A. F. de Savornin Lohman of Holland, named by the President of Mexico; with Henning Matzen of Denmark, president of the Permanent Court of Arbitration at The Hague, as umpire. The proceedings were conducted by virtue of a treaty made on May 22, 1902, by John Hay, secretary of state of the United States, and Manuel de Azpiroz, the Mexican ambassador. The verdict was that Mexico should pay to the United States the sum of $1,420,682.67 Mexican, which sum would totally extinguish the annuities accrued and not paid by Mexico; and that beginning on February 2, 1903, Mexico should pay to the United States, for the benefit of the Archbishop of San Francisco and the Bishop of Monterey, perpetually, an annuity of $43,050.99 Mexican. This award was signed by all five arbitrators.

A controversy arose with the Empire of Brazil in December, 1856, over the American whaleship *Canada*. This vessel went ashore near the mouth of the Rio del Norte and was there seized by the Brazilian authorities. The captain, under duress, for-

mally abandoned the ship to the Brazilians and gave notice that he would seek redress through the United States government. The vessel ultimately became a complete wreck, but the cargo and stores were saved and were sold, the proceeds being paid into the Brazilian treasury. On January 23, 1857, Trousdale, the United States minister to Brazil, formally brought the matter to the notice of the Imperial Government and demanded indemnity in the amount of $212,365. The Brazilian government replied that the ship was wrecked in Brazilian waters, that the Brazilian soldiers went on board at the request of the master for the purpose of giving protection and assistance, and that the cargo was of small value. After some controversy, diplomatic correspondence in the case was suspended, chiefly because of the Civil War in the United States. In 1868 the matter was taken up again by our Government, when the Brazilian government contended that the case should be regarded as closed and the denial of the claim as acquiesced in, because of the lapse of time. Much discussion on this and other points ensued which resulted, on March 14, 1870, in the signing of a protocol for the submission of the case to arbitration. No commissioners were to be appointed but the claim was to be submitted to the decision of Sir Edward Thornton, the British minister at Washington. The three questions at issue were, whether the United States was barred by lapse of time from prosecuting the claim; whether the vessel was lost and the voyage ended by the illegal interference of the Brazilians; and what was the amount of the damage which the owners of the vessel had suffered.

The arbitrator made his award on July 11, 1870, announcing it in identical notes to the Secretary of State of the United States and the Brazilian minister at Washington. His decision was on all three points in favor of the United States. The lapse of time did not, in his opinion, bar the United States from renewing and prosecuting the claim. The loss of the vessel was due to the improper interference of the Brazilian officials. The value of the ship, her outfits, and her cargo, the wages and other expenses of the crew, and interest from 1856 to 1870, made up an aggregate sum of $100,740.04, which the umpire declared to be owing by the Imperial Government of Brazil to that of the United States.

A convention was made between the United States and Venezuela on April 25, 1866, for the settlement of a number of claims, some of them of long standing, against the latter Government. David M. Talmage was appointed American commissioner and General A. Guzman Blanco, Venezuelan commissioner, but because of a serious difference concerning the selection of an umpire General Blanco retired and was succeeded by J. G. Villafane. The choice of an umpire was entrusted to the Russian minister at Washington, who designated Juan N. Machado, a Venezuelan. No fewer than forty-nine claims were laid before the commission, amounting to $4,823,273.31. Awards were made upon twenty-four claims, amounting to $1,253,310.30, and the other twenty-five claims were rejected. The Venezuelan government in February, 1869, protested against the awards of the commission on the ground of irregularity in the appointment of the umpire and fraud in the proceedings and findings. This protest was not favorably received by Congress and after some investigation a bill was enacted, on February 25, 1873, affirming the validity of the awards and directing the President to insist upon their immediate payment. The President, Grant, in his annual message in December, 1875, was able to announce that Venezuela had, "upon further consideration, practically abandoned its objection to pay to the United States that share of its revenue which some years since it allotted toward the extinguishment of the claims of foreigners generally." Little was paid on these claims, however, and Venezuelan attacks upon the arbitration commission were continued. Further investigations were accordingly made by Congress, with the result that the Venezuelan charges were sustained, and a bill was enacted providing that the former arbitral proceedings should be set aside and that a new commission should be appointed for the purpose of rehearing the entire case. This enactment was made on March 3, 1883. Some misunderstandings and controversy followed, and it was not until December 5, 1885, that a convention was signed for the creation of a new commission. This was not, however, approved by the Venezuelan government, and after further delay another convention was concluded on March 15, 1888. Under this, on September 3, 1889, a commission was organized consisting of John Little for the United States and

José Andrade for Venezuela. John V. L. Findley, of the United States, was agreed upon as the third commissioner. The commission concluded its work on September 2, 1890. There were presented to it sixty-three cases, of which forty-nine had been before the original commission. Of the whole number, thirty-seven were disallowed on the merits and twelve were dismissed. The claims which were approved amounted to $912,036.88.

Another controversy arose between the United States and Venezuela over the affairs of the Venezuela Transportation Company in 1871 and 1872. The affairs of the company were seriously interfered with by the belligerents in revolutionary operations in Venezuela, and claims for indemnity were preferred, especially "for the wrongful seizure, detention, and employment in war and otherwise of the American steamships *Hero, Nutrias,* and *San Fernando.*" A convention was signed at Caracas on January 19, 1892, for the submission of the matter to arbitration. Under this, Noah L. Jeffries was appointed American commissioner and José Andrade, the Venezuelan minister at Washington, Venezuelan commissioner. The umpire was A. Grip, the minister of Sweden and Norway. The award of the commission was announced on March 26, 1895, and it was to the effect that Venezuela should pay to the United States the sum of $141,500 in full of all demands on account of the seizure, detention, and employment of the steamships, and $300 each to the officers of the transportation company who had been imprisoned.

Meanwhile numerous efforts were made to effect a resumption of the conferences among the American States which had been started in the Panama Congress of 1824, which the United States had treated with marked shabbiness. Proposals for such gatherings were made by Mexico in 1831, 1838, 1839, and 1840, but without result. In December, 1847, representatives of Bolivia, Chile, Ecuador, New Granada, and Peru met at Lima, and remained in session until March, 1848. They invited all American States to join them, but the United States and Mexico were then at war with each other and therefore did not send delegates, and the other South and Central American States also held themselves aloof. The conference was not productive of important results. Again, in 1856 representatives of Chile, Ecua-

dor, and Peru met at Santiago de Chile and signed a "Continental Treaty." This instrument was intended and designed to promote the closer relationship of all the Latin-American republics, but it was animated with strong and undisguised hostility toward the United States. For that the reason was obvious. The notorious Walker was then at the height of his filibustering infamies in Central America, and the United States government, under pro-slavery influence, was maintaining an attitude which gave the not unnatural impression that it approved and supported his conduct. The "Continental Treaty" never became really effective for any purpose.

A much larger conference was held in 1864 at Lima, in response to an invitation from the Peruvian government, Argentina, Colombia, Bolivia, Ecuador, Guatemala, Venezuela, and Peru being represented. It was purposed to invite the United States to participate, but Colombia demurred, on the ground that this country might "embarrass the action of the congress." The purpose was to form a "union" of the States represented, but nothing practical was done. Jurists from Argentina, Bolivia, Chile, Costa Rica, Cuba, Ecuador, Honduras, Peru, and Venezuela met at Lima in 1877–78 and made a treaty of extradition and a treaty of international law, and Guatemala and Uruguay, in addition to the States represented, agreed to them. Next, Colombia invited all South American States to meet at Panama in September, 1881, but wars among the countries prevented acceptance, and the same cause nullified the invitation of the United States for a meeting at Washington in 1882. In 1888–89 there was a meeting at Montevideo, of jurists from Argentina, Bolivia, Brazil, Chile, Paraguay, Peru, and Uruguay, at which were made treaties on international law, civil, commercial, and penal; copyrights, trademarks, and patents.

In the fall of 1889 a revolution occurred in Brazil, which resulted in the expulsion of the emperor and the establishment of a republic. The emperor, Dom Pedro II, was a highly enlightened man of benevolent disposition, who had generally commanded the confidence and affection of the people. He had visited the United States and was highly esteemed here. But his abolition of slavery without compensation to the slaveholders, and the pronounced Roman Catholic sympathies of his eldest

daughter, Princess Isabella, who was regent during his tours in Europe and the United States, roused antagonism against him. Accordingly, on November 14, 1889, the palace was surrounded and entered by revolutionists, who compelled the imperial family to go aboard a ship and sail at once for Portugal. The Republic of the United States of Brazil was then proclaimed, and it was promptly recognized by this country.

It may be added that on January 30, 1894, during an attempted revolution against the Brazilian government, naval insurgents in the Bay of Rio de Janeiro fired upon a United States vessel, the *Detroit*, which returned the fire with effect. The insurgents proclaimed a blockade of that harbor, but as they were not recognized belligerents the United States, in common with other powers, declined to respect the blockade; which was eventually abandoned.

The first comprehensive international conference of the various American States, such as had been contemplated at Panama in 1824, was finally held in 1889. The Congress of the United States, in May, 1888, enacted a bill authorizing the President to invite the Governments of all Latin-American States to send representatives to a Pan-American congress, to be held at Washington in the fall of the following year. The agenda comprised a formidable list of topics, supposedly of general interest, on which uniform policy on the part of the several countries seemed desirable. Among them were the preservation of peace, the creation of a customs union, the establishment of better means and methods of international communications, the adoption of a common silver coinage, or at any rate a uniform standard, similar to that long prevailing in the Latin Union of Europe; uniform systems of weights and measures, reciprocity in copyright, trademarks and patents; sanitation, quarantine, etc. These were all practical subjects, and the taking of favorable action upon them or any of them would have had the effect of drawing the countries into closer and more beneficent relationship.

The invitation was accepted by all the Governments excepting that of Santo Domingo, and the congress met at Washington on October 2, 1889, and continued its sessions until April 19, 1890. Blaine, the American secretary of state, presided. This was fitting, seeing that he had planned the meeting, and that the na-

tions represented were the guests of the United States. Although there were some sharp differences of opinion on many topics, the meetings were generally marked with cordiality of sentiment and earnestness of purpose. A scheme for compulsory arbitration was discussed at much length and was adopted by a majority of the delegates. There were also adopted recommendations on the subjects of reciprocity treaties, customs regulations, port duties, the navigation of rivers, monetary union, weights and measures, patents, trademarks, sanitation, international railroads and banks, extradition, and other topics. Had favorable action been taken upon all these, the political constitution of the Western Hemisphere would have been transformed and the relations of the whole world would have been profoundly affected. But they were not thus treated. On the contrary, no positive action was taken upon any of them, and practically nothing whatever came of the congress excepting the creation of an International Bureau of American Republics at Washington. This bureau was to have no governmental authority whatever, but was to collect and to publish from time to time, in bulletins and books, all useful information concerning the laws and customs, products, industries, and commerce of the various countries, and it was to be maintained at the joint expense of them all. The activities of this institution proved from the beginning to be of much practical value, and they were extended from time to time, to the great advantage of international relationships.

It is possible that more would have come of this first congress had it not been for the fact that Blaine had, or was commonly credited with having, somewhat aggressive ideas of some degree of United States suzerainty, or at least hegemony, over the other American republics. That inspired some of the Latin Americans with a caution, amounting almost to distrust of this country. To counteract this unfortunate and mischievous impression, President McKinley, years afterward, being one of the most politic and tactful of men, reckoned that it would be well for the second such gathering not to be called by the United States and not to meet in this country. At his quiet suggestion, therefore, the Mexican government issued invitations for another Pan-American Congress, to meet at the Mexican cap-

ital on October 22, 1901. The good effects of this discreet course became evident. All the American republics without exception were represented, and a succession of highly profitable meetings was maintained until the end of January, 1902. The most prominent and certainly the most controversial topic before the congress was that of arbitration, and a determined effort was made to have the body commit itself to the plan of compulsion which had been advocated by a majority at the former congress. There was an equally determined opposition to it, and in the end the opposition proved the more powerful. Ten delegations did, indeed, sign a project of a treaty for compulsory arbitration, but the others, forming a majority of the congress, signed an agreement for adherence to the voluntary arbitration plan which had been adopted at the Peace Congress at The Hague in 1899. Another important topic of discussion was that of the collection of pecuniary claims of citizens of one country against the Government of another. There was an overwhelming sentiment against the use of military force for such purposes, and there was finally approved a project for a treaty under which such claims should be submitted to the International Tribunal of Arbitration which had been provided for at The Hague. The congress also ratified the action of the former congress in recommending the completion of a continuous railroad system longitudinally through the three Americas.

The value—perhaps more potential than actual—of the International Bureau of American Republics was by this time well recognized, and this second congress took important steps to extend its activities. The bureau was reorganized under an international board of diplomats, with the secretary of state of the United States as chairman. It was authorized to publish a monthly bulletin, which in time was developed into a large and highly interesting magazine, and it was also invested with authority to make arrangements for subsequent congresses. In consequence, the third Pan-American Congress was assembled at the capital of Brazil, from July 21 to August 26, 1906.

At this gathering there were present official delegates from Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru, Salvador, Santo Domingo, Uruguay, and the United

States. Haiti and Venezuela alone were not represented. The subjects discussed were similar to and indeed largely identical with those of the preceding congress. A resolution was adopted instructing representatives of American republics at the next World's Peace Congress at The Hague to seek the making of a general arbitration treaty "so effective and definite that, meriting the approval of the civilized world, it shall be accepted and put in force by every nation." With reference to the collection of international debts, it recommended that the next Hague congress be asked to take steps toward abolishing the employment of force in such processes.

The fourth Pan-American Conference was held at Buenos Aires in July and August, 1910. It had been suggested that it should make a general declaration in confirmation and support of the Monroe Doctrine, but the conference prudently decided not to take that matter up at all. Questions discussed were the compulsory arbitration of pecuniary claims, the sanitation and sanitary regulation of seaports, extension of steamship service among American countries, patents, trademarks, copyright, and interchange of university professors. It was decided that the International Bureau of the American Republics, at Washington, should thereafter be called the Pan-American Union.

XXX

DEALINGS WITH THE FAR EAST

A NEW era in American relations with China began coincidently with the outbreak of the Civil War in the United States. After the evacuation of Peking by the Allies in 1860 the Chinese government recognized the necessity of placing its diplomatic relations upon a new basis, more in accord with the spirit of those other nations with which it was coming into increasingly intimate contact. Thitherto the transaction of business with all foreign powers had been entrusted to the *yamen* or board which dealt with such tributary states as Annam and Korea. This was offensive to the representatives of Europe and the United States, who insisted that there should be a department of the Chinese government constituted expressly to conduct needed negotiations with sovereign powers, and as a result of their urgings and of the harsh lessons of the invasion and occupation of the capital, a new board, known as the Tsung-li Yamen, or foreign office, was created in 1860. Its first head was Prince Kung, an uncle of the infant emperor; a man of high intelligence and of more liberal and advanced views than most Chinese statesmen of his time. Another member of the board was Kwei-Liang, an accomplished diplomat who had conducted the negotiations at Tientsin in 1858. The third member, who soon became the most influential of all and for years practically controlled the foreign affairs of the empire, was Wen Si-ang, a Manchu nobleman; who surpassed even Prince Kung in his enlightened desire to place China by the side of America and Europe in civilization and in international relations.

The representative of the United States who was sent to deal with this distinguished body was one of the most worthy and most memorable figure in all the annals of American diplomacy in the Far East. Anson Burlingame had for years been a rep-

resentative in Congress from Massachusetts and had ranked among the ablest members of that body. A few years before his appointment to the Chinese mission he was brought into special prominence by his chivalrous conduct in the Sumner-Brooks episode. Brooks, a South Carolina representative, had committed a violent and nearly fatal assault upon Charles Sumner in the senate chamber, and his Southern friends boasted that no "Yankee" would dare to resent it. Burlingame did resent it, in a speech which purposely stung Brooks into challenging the orator to a duel—of course, with the expectation that Burlingame would decline. But to Brooks's dismay Burlingame promptly accepted, and named rifles as the weapons to be used. With that arm Burlingame was known to be expert, and there was little doubt that he meant to kill Brooks. The latter therefore deemed it the part of discretion to back out of the encounter on a specious pretense; the net result being to brand him as a poltroon and to make Burlingame the hero of the militant North. When Lincoln came to the Presidency in 1861 he appointed Burlingame to be minister to Austria, but when the envoy reached Paris on his way to Vienna he was met with news that the Austrian court would probably decline to receive him because of his outspoken sympathy with Kossuth and the Hungarians some years before, and also with Victor Emmanuel and Garibaldi in Italy. At that Lincoln transferred him to the Chinese mission.

Burlingame went to China with reluctance, wishing to remain where he would be closer to the great events which were in progress in America. But the sequel showed that it was really providential for him to be accredited to China, since he did a work there which no other man might have been able to do. His winning personality quickly ingratiated him with the Chinese ministers as also with the diplomatic representatives of the other powers, while his commanding ability gave him leadership and success in all his negotiations. He had, moreover, a particularly friendly feeling for the Chinese and was notably devoid of racial prejudice. His first efforts were, therefore, to secure with his colleagues agreement upon "a policy of coöperation—an effort to substitute fair diplomatic action in China for force." His idea was that on all matters of common interest the representatives

of the powers should take joint and identical action, and that at the same time they should pledge themselves to respect the territorial integrity of China and its sovereignty, and not to meddle in the internal affairs of that empire. This was a logical precursor of the policy of "the open door, equality of opportunity, and maintenance of sovereignty and territorial integrity" which was put forward by John Hay many years later. It was largely successful in Burlingame's time, and it was highly appreciated by the Chinese government, as was soon shown in an extraordinary manner. That was when the Confederate cruiser *Alabama* appeared in Asian waters, destroying American commerce. Burlingame called the attention of the Chinese government to her character and to the destructive nature of her errand; whereupon that Government at once issued a decree forbidding the *Alabama* to enter any Chinese port or to receive from China any supplies.

Another incident revealed the liberal spirit of the Chinese government at that time and its strong inclination toward America. Years before a prominent Chinese scholar and statesman, Sen Ki-yu, had written a book about America, based upon information received from travelers, in which he paid a notable tribute to the greatness of Washington. For this he had been severely punished by the intolerant Government at that time, being removed from office as governor of a province and degraded in rank. But now he was recalled to public life and was appointed a member of the Tsung-li Yamen. Burlingame reported this to the Government at Washington, and in consequence Seward, the secretary of state, had a portrait of Washington painted and sent it for Burlingame to present publicly to Sen.

After six years of highly profitable service at Peking, during which cordial friendship remained unbroken between the two countries, Burlingame desired to return home in order to reënter American political life. When he made this announcement to the Chinese government, great regret was expressed, and the Tsung-li Yamen arranged an impressive ceremony of farewell. At that gathering Wen Si-ang observed that Burlingame might render a very great service to China by making some friendly representations in her behalf at the European capitals which he

passed through on his way home. To this Burlingame readily assented, whereupon Wen Si-ang, thanking him, expressed a wish that he might accept a commission as the official envoy of the Chinese government. Burlingame "repulsed the suggestion playfully" and turned the conversation to other topics. But, realizing that Wen Si-ang had been very much in earnest, and being himself impressed with the great possibilities of such a mission, he presently reported the matter to Robert Hart, the Englishman who was then and for many years afterward at the head of the imperial customs service of China, and asked him his opinion concerning it. Hart was favorably impressed, and at once undertook to negotiate with the Chinese government for the realization of the plan. The other foreign ministers at Peking also approved it and promised Burlingame their support.

The result was that the emperor in November, 1867, issued an edict, engrossed on yellow silk and sealed with the imperial seal, which was probably the most concise document of its kind ever seen in the world. It said, without prelude or flourish:

"The Envoy, Anson Burlingame, manages affairs in a friendly and peaceful manner, and is fully acquainted with the general relations between this and other countries. Let him, therefore, now be sent to all the treaty powers as the High Minister, empowered to attend to every question arising between China and those countries. This from the Emperor."

Burlingame was created a mandarin of the first rank, and with him were associated two mandarins of the second rank, and a number of secretaries, translators, and clerks, and thus organized the legation set forth to visit the nations of the western world. Instead of going by the way of Europe, as he had at first intended, Burlingame came straight across the Pacific to the United States, and reached Washington in May, 1868. His reception everywhere in this country was of the most cordial character, he being regarded at once as a distinguished American and as the representative of the Chinese Empire. He made for the Chinese government a highly important treaty with this country, which was drafted by himself and Seward. This instrument pledged the United States to respect the territorial integrity of China and its unimpaired sovereignty over its own subjects and property; it recognized the right of China to regu-

late its internal trade in any way not conflicting with treaties; it provided for the appointment of consuls of each country at the ports of the other; it secured exemption from religious persecution; it established the right of voluntary emigration; it secured to each country the rights of the most favored nation for residence and travel and attendance at schools and colleges; and it promised the aid of the United States, if desired, in the improvement of Chinese administration.

From the United States, Burlingame proceeded to Great Britain, where his attractive personality quickly disarmed the opposition which had been cultivated against him in advance, and he was received almost as warmly as in his native land. In France his reception was much less favorable, the Government cherishing resentment against Americans for Seward's vigorous policy in Mexico, and also having designs against China. At Berlin he was treated with respect and close attention. Thence he went to St. Petersburg, but before the character of his reception there could be determined he fell ill, and to the irreparable loss of the world, died in a few days. His companions abandoned the remainder of the mission and returned to China, and the great undertaking, from which so much had been hoped, was at an end; with nothing achieved but the treaty with the United States, which was soon afterward nullified by the influence of popular prejudice and sordid passion. The practical failure of his mission did not, however, detract from the brilliance of Burlingame's just fame. Lord Stanley, the British foreign minister, had spoken during his visit to that country of "his dignified course and the grandeur and importance of the high trust confided to his care." James G. Blaine, pronouncing a public eulogy upon him after his death, said: "As an example of the influence of a single man attained over an alien race, whose civilization is widely different, whose religious belief is totally opposite, whose language he could not read or write or speak, Mr. Burlingame's career in China will always be regarded as an extraordinary event, not to be accounted for except by conceding to him a peculiar power of influencing those with whom he came in contact; a power growing out of a mysterious gift, partly intellectual, partly spiritual, and largely physical."

With his death, and the removal of his unique influence, re-

lations between the two countries soon underwent an unhappy change. In 1870 a furious riot broke out at Tientsin, directed chiefly against the French missionaries but also against all foreigners. Nineteen foreigners, most of them French missionaries, were killed; the French consulate, mission property, and church were destroyed; and a degree of animosity toward "foreign devils" was displayed such as never had been known before and as has never been surpassed if equaled since. The French missionaries had, indeed, given some provocation by their imprudent conduct, but the deeds of the mob were hideously inexcusable, and the American minister vigorously joined with all his colleagues in demands for the punishment of the criminals and for the fullest possible reparation for their acts. A degree of friendship was ultimately restored between America and China, so that in 1872 a new and highly interesting policy was adopted by the Peking government. This was the sending of a number of young men, thirty a year for several years, to this country to be educated in various leading colleges. This practice was abandoned after some years, on the ground that the young men were in danger of being estranged from their own country and its institutions. Nevertheless many of those who were sent hither rose to eminence in the Chinese service and were of exceptional value to the Government of their own country.

There next arose between the United States and China by far the most formidable and troublesome problem which has ever vexed their relations, namely, the question of Chinese immigration into the United States, and its regulation. In earlier years expatriation had been treated in China as a grave offense, punishment for which was visited remorselessly upon the relatives of the emigrants who might be found remaining in China. But under the Burlingame treaty, as already mentioned, the right of voluntary expatriation was recognized, and that naturally led to an increase of migration to this and other countries. Already, indeed, thousands had thus emigrated. Many went to Peru and Cuba, where their condition was little better than that of slaves. They belonged to the coolie class, and were shipped abroad wholesale by contractors, by whom they were bound to labor for terms of years. The abuses of the coolie trade became so flagrant that

an appeal was made to the American government to intervene in Peru for their abatement, and in 1875 the American and British governments sent commissions of investigation to Cuba, which made reports of the most shocking character. Long before that date, however, Congress had passed a law forbidding American vessels to engage in the transportation of coolies under contract. But that did not prevent many from coming to this country, some directly from China and others from the intolerable conditions existing in Cuba and Peru. They landed in California, where they found ready employment on the western section of the Pacific railroad, which was then in course of construction, and also in the mines, so that when the Burlingame treaty was made there were many thousands of Chinese laborers in the United States. The census of 1870 showed about 56,000 here, of whom only 467 were east of the Rocky Mountains.

At first this influx was heartily welcomed. Chinese labor was much desired on the Pacific coast, where its efficiency and cheapness were both appreciated. "By their assiduity, patience, and fidelity," wrote the secretary of state, Hamilton Fish, "they earn the good-will and confidence of those who employ them. We have good reason to think this will continue and increase." But a few years later there came a radical change in the popular attitude toward them. The completion of the Pacific railroad brought many working men from the Eastern States to California, in quest of the higher wages which they supposed they could get there, and they were angered to find the Chinese working for lower wages, and doing more and better work than they were themselves inclined to do at any wages. Labor unions therefore began agitating against "Chinese cheap labor" and not infrequently incited violence. Thus in October, 1871, a mob at Los Angeles made a wholesale massacre of unoffending Chinamen, shooting six and hanging fifteen. There were similar occurrences elsewhere along the coast.

There were doubtless some good reasons for objecting to unlimited immigration of the Chinese. The population of China was so vast and so crowded that there was actually danger of this country being swamped by the influx. A few years might have seen many millions landed on our shores. Their acceptance of very low wages, of course, cheapened the general price of

labor in the American market. Their colonies in San Francisco and other cities were unclean, unsanitary, and sometimes lawless settlements of aliens. Opium smoking, gambling, prostitution, and other vices were practised. Moreover, as under our laws Chinese were not permitted to become citizens, they perforce remained unnaturalized aliens, and the existence of a large unassimilated alien element of population was obviously a bad thing.

In 1876 both political parties in California put planks in their platforms declaring against further Chinese immigration, and in the same year a joint committee of both Houses of Congress, with Oliver P. Morton, a distinguished senator from Indiana, as chairman, conducted on the spot a searching investigation into the whole subject. This committee was at the end divided in opinion, and submitted two reports. The majority conceded that the material prosperity of California had been greatly promoted by Chinese immigration. The Chinese lived, however, in a filthy way, menacing the health of the communities; their vices were corrupting morals; and their low scale of wages was degrading American labor. There was danger that the whole Pacific coast would become Mongolianized, to the great disaster of the nation. Therefore it was strongly recommended that measures be taken looking to a modification of the existing treaty with China, confining it strictly to commercial matters; and that Congress be thus invested with power to legislate against further Chinese immigration. It was thought that there would be no objection to this on the part of China.

Senator Morton's views were embodied in a minority report, though he died before the commission completed its work. He held strongly that, under the principles of the Declaration of Independence, the United States should regard all men as equal, and as equally entitled to come to this country. China and Japan had opened their doors to Americans, he said, and the doors of America ought to be similarly open to them. It would be a reproach to this country to put itself into the same intolerant and inhospitable attitude which it had condemned in those nations. The labor of the Chinese, he argued, was essential to the material prosperity of California. They had not crowded white men out of work, for the only idle men in California were drunkards and wilful loafers. The opium habit was bad, but

was not as bad as whisky drinking, to which the opponents of the Chinese were addicted. Neither was prostitution a vice peculiar to the Chinese. The Burlingame treaty, Morton concluded, was one of the great triumphs of American diplomacy and principles, and it ought to be maintained in letter and in spirit.

These reports were received and discussed by Congress, with the result that in February, 1879, a bill was passed providing for the restriction of Chinese immigration, in terms amounting almost to complete exclusion. This was, of course, a proposed violation of the Burlingame treaty, and in a logical attempt to justify it there was added a resolution for the abrogation of that portion of that treaty relating to free immigration and residence of Chinese in America. This bill was passed, it should be added, largely under the influence of excitement caused by the violent harangues of one Dennis Kearney, a professional agitator of the worst type, who organized on the "Sand Lots" of San Francisco, a motley mob of tramps, thugs, and idlers, which spent part of the time listening to his ravings and part in looting Chinese shops and houses. The bill was repulsive to the best sentiment of the American people, and was vetoed by the President, Rutherford B. Hayes, who appealed to Congress to "maintain the public duty and the public honor," though he recognized the fact that some modification of the Burlingame treaty was needed to prevent the flooding of this country with Chinese faster than we were able to assimilate them.

In order to effect such a modification of treaty relations in an honorable and decent manner, Hayes appointed in 1880 a commission consisting of James B. Angell, president of the University of Michigan, John T. Swift of California, and W. H. Trescot, a former assistant secretary of state, to proceed to China for the negotiation of a new treaty, or a modification of the Burlingame treaty, which would make possible a considerable restriction of Chinese immigration. The commissioners were cordially received at Peking, and in the course of a few weeks succeeded in making the desired treaty, giving the Congress of the United States power, at its discretion, to limit but not entirely to prohibit immigration of Chinese laborers; the entrance of Chinese merchants, students, and others remaining free. In return it was stipulated, at the request of the Chinese

government, that citizens of the United States should not be permitted to engage in the opium trade with China. This stipulation was considered by the Chinese government to be of the greatest importance, for it then deeply realized the evil of the opium traffic and was resolved to suppress it, as it has since done.

This treaty was ratified, and in 1882 Congress passed an act professedly in accordance with its provisions, prohibiting all further entry of Chinese laborers for a period of twenty years. This was promptly vetoed by the President, Chester A. Arthur, on the ground that the treaty did not warrant any such action; and Congress thereupon passed another bill, more moderate in its terms, suspending the entry of Chinese immigrants for only ten years; and this became law. Chinese merchants and students were permitted to enter the country, but coolies, both skilled and unskilled labors, and miners were debarred. The law went into effect ninety days after enactment, and Chinese laborers leaving the United States after that time were required to obtain certificates of identity to entitle them to return to this country; otherwise they too would be excluded. Chinese other than laborers coming to the United States were required to show certificates from the Chinese government to the effect that they did not belong to the excluded classes. At the same time federal and state courts were forbidden to admit Chinese to citizenship. One of the complaints against the Chinese, and one of the prime reasons for demanding their exclusion, had been that they did not become citizens. The extraordinary logic of then forbidding them by law to become citizens is apparent. The constitutionality of the law was challenged in the courts, but was upheld.

The law proved unsatisfactory, however, and provoked some of the very evils which it was intended to prevent. The certificates of identity were delusive. The similarity in appearance among Chinese enabled them to transfer such certificates from one to another with impunity, and an extensive trade in those documents arose. There was also wholesale smuggling of Chinamen across the Canadian border. A few months after the enactment of the law nearly fifty thousand coolies left the West Indies, where their contract terms of service had expired, and sought passage through the United States on their way home to China, and

the attorney-general of the United States, Benjamin Harris Brewster, held that they could not be prevented from doing so, nor be required to secure certificates.

In consequence of these things, Congress in 1884 enacted another law, amending the former act by limiting more narrowly the definition of the term "merchant," requiring additional identification of "visitors" from China to this country, and making stricter requirements of the masters of all vessels bringing Chinese hither. But this did not prove effective, either for preventing evasions of the law or for quieting the rising fury of anti-Chinese passion. It began, among a certain class of Americans, to be regarded as a proof of "patriotism" to oppress and even to butcher unoffending Chinese. A particularly atrocious massacre, led by professed teachers of Christianity, occurred at Rock Springs, Wyoming, on September 2, 1885, and this was followed by others at various points on the Pacific coast. The President repeatedly issued proclamations against such lawlessness, but with little effect. The United States government had itself set the example of lawlessness by enacting a law in violation of its own treaty. It had sown the wind, and it was destined to reap the whirlwind. George F. Hoar, the great senator from Massachusetts, had given solemn warning against such a course in a speech in the Senate against the Exclusion Act of 1882. "As surely," he said, "as the path into which our fathers entered a hundred years ago led to safety, to strength, to glory, so surely will the path on which we now propose to enter bring us to shame, to weakness, and to peril."

At last it was concluded, with unconscious cynicism, that since the United States would not conform its legislation with its treaties, it would be well to make the treaties conform with legislation. Accordingly in 1888 a new treaty was negotiated between the United States and China, under which it was provided that the privilege of departing from and returning to the United States should be enjoyed by only such Chinese workmen as had wives or children here, or who had property each to the value of at least $1000, and the United States government was authorized to take strict measures for the prevention of fraud. In this same treaty provision was made for the payment of indemnity for the massacres of Chinese by American mobs at Rock Springs,

Wyoming, at Tacoma, Washington, and elsewhere. The Senate made a number of changes in the treaty before ratifying it, and the Chinese government did the same. Before these changes could be mutually agreed upon and the treaty be ratified, the exigencies of a Presidential campaign arose, and the two parties began bidding frantically and unscrupulously for the support of the anti-Chinese vote. It seemed to be felt that that party would win which went the further in its hostility to the Chinese. So the treaty was dropped, and the rival politicians in Congress vied with each other in eagerly rushing through a scandalous bill directly and most flagrantly violating the existing treaty by absolutely forbidding the return of Chinese laborers into the United States. As President Cleveland was a candidate for re-election, he permitted the bill to become law, striving to justify his course on the ground of China's neglect to ratify the new treaty. However, he recommended that the indemnity provided in the treaty be paid, and this was done, in the sum of $276,619.

The next enactment on the subject was the so-called Geary Act, of May 5, 1892, in the administration of President Harrison, which frankly purported in its title to be "An Act to Prohibit the Coming of Chinese Persons into the United States." Under its stringent terms all then existing exclusion or restriction acts were continued in force for ten years. It made the astounding provision that every Chinese person in the country should be considered to be here unlawfully unless he could prove his legal title to presence here, and that any person unable thus to prove the legality of his presence in the United States should be imprisoned for one year at hard labor, and then exiled. This was, obviously, a direct reversal of the otherwise universal rule of American and Anglo-Saxon jurisprudence, which assumes innocence until guilt is proved and throws the *onus probandi* upon the accuser. The saving provision was, indeed, included, that Chinese in this country might have a year in which to secure certificates of residence and of lawful right to be in this country, but even so it was a measure of monstrous severity, and it was not improved by the supplementary legislation of the next year, which required duplicate photographs of all Chinese in this country to be filed with government officers for purposes of identification; thus making, as was remarked at the time, a

gigantic "rogues' gallery" of the entire Chinese population of the country.

Another effort was then made to make the treaty relations of the country accord with its domestic laws. A treaty was concluded between the United States and China in 1894, which provided that for ten years thereafter Chinese laborers should be absolutely debarred from entering the United States, excepting such as were registered as residents here prior to the making of the treaty and who had lawful wives, children, or parents here, or property amounting in value to $1000 each, and who should return hither within a year after leaving the country. Four years later, on the annexation of Hawaii to the United States, all these laws and treaties were made applicable to those islands, for the exclusion of the Chinese from them.

Such was the reversal of attitude and of policy which the United States effected in a single generation, and less. For it must be recalled that in 1862, when there were already 50,000 Chinese in California, or many more, proportionately, than there were in later years when the propaganda of persecution and exclusion prevailed, a committee of the legislature of that State reported strongly in favor of encouraging the coming of "a class of foreigners so peaceful, industrious, and useful." Their coming, it said, "would add incalculably to the resources of the State. It would also diminish drunkenness and consequent pauperism, thereby greatly reducing the amount of crime and misery. It is charged," continued this historic report, "that the Chinese demoralize the whites. We cannot find any ground for the allegation. They work for us; they help us to build up our State by contributing largely to our taxes, to our shipping, farming, and mechanical interests, without, to any extent, entering these departments as our competitors. Instead of driving them out of the State, bounties might be offered them." The character and the causes of the change between that judgment and the opinions and passions of from twenty to thirty years later, afford food for thought.

The abolition of the shogunate in Japan and the reëstablishment of the mikado in full and practical authority, soon led to further advances in the Government of that country in enlightened constitutional ways, and also to a desire that Japan

should be relieved of invidious disabilities and should be treated as an equal by the powers of the world. The fixed tariff of duties prescribed by the treaties of 1854 and 1858 and the system of exterritoriality, were especially irksome and were regarded as humiliating. Soon after the establishment of the emperor's government at Tokio efforts were made to effect a revision of treaties through the ministers of foreign powers at that capital. These failed, however, and accordingly it was decided by the Japanese government to send an embassy to all the treaty powers, to negotiate new relations. The year 1872 was designated in the existing treaties as that in which revision might be considered, and therefore the embassy was created and despatched before that date, in 1871. Five of the most eminent statesmen of Japan, Prince Iwakura and Messrs. Kido, Okuba, Ito and Yamagutsi, were commissioned for the purpose, with a retinue of secretaries, interpreters, and others making a company of more than one hundred. The American minister to Japan, Charles E. De Long, escorted them hither, by way of San Francisco, arriving in that city on January 15, 1872. Everywhere in this country the visitors were received with the most distinguished attention, and the utterances both by the visitors and by their hosts were full of auspicious promise. The principal speaker for the Japanese was Ito, who was more familiar with the English language than his companions. At Sacramento, California, he expressed the purpose of the embassy in these impressive words:

"We come to study your strength, so that, by adopting discreetly your better ways, we may ourselves hereafter become stronger. Notwithstanding the various customs, manners, and institutions of the various nations, we are all members of one large human family, and under the control of the same Almighty Being, and we believe that it is our common destiny to reach a nobler civilization than the world has yet seen."

The members of the embassy were made, by unanimous vote of Congress, the guests of the United States government, and they were received by the President, Grant, and by Congress. They had several conferences with the secretary of state, and were assured that the United States was willing to enter into negotiations in the most friendly and liberal spirit. But the visitors

were not empowered to make a new treaty, and definite action had therefore to be postponed. In Europe the Japanese were received with courtesy, but there was shown no inclination to revise treaties in the manner desired by them; and on his return trip through this country Prince Iwakura gratefully remarked upon the more favorable attitude taken by the United States than by any other nation. But as the European governments were unwilling to revise the treaties, the idea of having even the United States do so was abandoned, and the Japanese government and nation with grim resolution addressed itself to the task of raising itself to a standard so high, and developing a material power so great, that the powers of the world would be compelled to grant the recognition and equal treatment which had been asked and refused. To that end increasing numbers of young Japanese were sent abroad to be educated, and others, of mature years, traveled abroad to observe the ways of those nations which vaunted themselves upon their superiority to Japan.

The result was a progress which has probably never been equaled by any other people for rapidity and completeness. The emperor set the example in 1872 by establishing a system of diplomatic receptions as free and open as those at European capitals. In 1875 provincial assemblies were created, in order that the emperor might "govern in harmony with public opinion." Then came, in rapid succession, the adoption of the European calendar, codes of law, compulsory universal education, a constitution, and a national Parliament. Of course, the further Japan went in this path of progress, the more irksome and injurious were the disabilities imposed upon her by the treaties. But the European powers were remorseless. They had Japan at a disadvantage, and they meant to keep her so as long as possible. It was pointed out that the treaties were not limited to any term, at the end of which they would expire, but were perpetual, unless abrogated by consent. The European powers would not assent in their abrogation, and threatened Japan with military and naval penalties if she herself cast them aside.

The United States had never entirely approved even its own treaty, regarding the principle of exterritoriality as oppressive

and unjust, and believing that Japan ought to have a right to fix her own tariff duties. It had, however, stood with the other powers, on the ground that unity of policy was essential. But now that Japan had made so great progress and had so well demonstrated her worthiness of equal recognition, the United States minister, John H. Bingham, parted company with his colleagues and adopted an independent course. In 1878, then, this country made a treaty recognizing Japan's right to make her own tariff laws. It was not to go into effect, however, until similar treaties were made with other nations, and that Japan was unable at that time to do. Renewed efforts were made in 1882, but again the European powers refused to accede to Japan's reasonable request. Again in 1886 the matter was taken up, in a diplomatic conference at Tokio, attended by the representatives of all the powers. At this some progress was made in the matter of the tariff, but in that of extraterritorial jurisdiction the European powers would concede nothing. This conference continued its meetings until the next year, 1887, and then adopted a system under which native judges were to be admitted to the bench, but a majority in each court must still be foreigners, appointed by the diplomatic body, and these latter should control all the rules and procedure of the courts.

This result was received with much indignation by the Japanese people, and Count Inouye, the foreign minister who had assented to it, was compelled to resign his office. Meantime the United States alone took Japan's side, and at the very time when this conference was in progress proclaimed a treaty which it had made with Japan providing for the extradition of criminals; President Cleveland commending it "because of the support which its conclusion would give to Japan in her efforts toward judicial autonomy and complete sovereignty." This treaty had its origin in the case of an American criminal who had fled to Japan for asylum. The United States was, in its own opinion, unable to demand his surrender, but the Japanese government, as a voluntary act of international comity, arrested him and delivered him to the American authorities. That act was appreciated by the United States government, and the extradition treaty was in consequence negotiated, recognizing Japan's complete sovereignty in such cases. The attitude of the

United States was thus in strong contrast to that of the European powers, which insisted that under the principle of exterritoriality they were privileged, without any extradition treaty and without the assent of the Japanese government, to follow fugitives into any part of the Japanese empire, to arrest them, and to take them home for trial.

This contemptuous disregard of Japanese rights was supplemented with a similar disregard of quarantine regulations at Japanese ports. During an epidemic of cholera the Japanese government ordered a strict quarantine of all vessels coming from infected ports. The British government gave orders to its consuls to ignore these regulations, and the German minister to Japan had German vessels brought into port in violation of the quarantine rule, under the escort of a German warship to prevent Japanese interference. The result of these violations of quarantine was the vast extension of the epidemic in Japan and the loss of scores of thousands of lives—sacrificed to the arrogant oppression of the powers. The United States alone of all foreign countries faithfully obeyed the Japanese quarantine rules. Ex-President Grant was in Japan at that time and observed the violations of law by European powers. He expressed great indignation, and declared that the Japanese would have been fully justified in firing upon and sinking the offending ships.

Japan was not yet, however, physically strong enough to assert her rights against European tyranny, and diplomacy rather than force had to be employed. This was attempted with much shrewdness by Inouye's successor, Count Okuma, who sought to take advantage of the differences which existed among European powers, and to play one of them against the others. In this way he was able to get Germany, France, and Russia to agree to a revision of treaties. The assent of Great Britain was however necessary, and while he was endeavoring to secure it Okuma was severely wounded by a would-be assassin, and retired from office. Following this, an anti-Japanese reaction set in among the European powers, and those which had been inclined toward a revision of treaties withdrew their assent. Japanese relations with the world were thus put back into the same status as before the enfranchisement and constitutional enlightenment of that country.

Diplomacy having failed, it was ultimately through war that Japan secured her rights among the nations of the world. The conflict was not, however, waged directly with the oppressive European powers. It arose with China, in 1894, over the control of Korea. Russia was preparing to seize the latter country, and it was recognized in both China and Japan that it would be disastrous to both of them for her to do so. China vainly imagined that she could prevent the catastrophe by asserting her own antiquated suzerainty over Korea, while Japan insisted that the only effective method would be to reform the monstrously corrupt and inefficient government of Korea, and to bring that country forward along the lines of civilized progress which Japan herself was so successfully pursuing. The result of these differences was war, which was declared in July, 1894. All Europe confidently assumed that the vastly greater power of China would quickly crush the Japanese, but to the amazement of all the world, excepting America, the exact contrary was the result. Japan first broke the power of China at sea, although the Chinese navy was by far the larger, and then vanquished her armies on land. The Chinese were driven out of Korea, and the Manchurian peninsula of the Regent's Sword fell into Japanese hands. A treaty of peace was negotiated at Simonoseki, under which China relinquished all claims of authority or suzerainty over Korea, and gave to Japan possession of the ports and fortresses and indeed of all the territory of the Regent's Sword. Most important of all, China agreed to open her ports and her empire freely to the commerce of the world on equal terms to all nations. Japan thus won a victory of inestimable value not for herself alone but for the whole world. Unfortunately, much of her work was speedily undone. Russia, planning herself to gain exclusive control of the major part of the Chinese Empire, intervened, and persuaded France and Germany to join her. Under threats of overwhelming military force they compelled Japan to relinquish much that she had secured from China, and particularly to annul those portions of the treaty providing for the impartial opening of China to the intercourse of the world.

This stupid and iniquitous act of sordid oppression soon reacted upon its authors. Japan was moved to redouble her

efforts in the development of military and naval strength, in order to fight Europe, if necessary, for her rights. Moreover, Great Britain, thitherto most of all opposed to granting Japan's demands, now reversed her policy. She was at this time diplomatically isolated from the other European powers, and she feared that the alliance of Russia, France, and Germany in the Far East would prove disastrous to her interests there. Accordingly the British government began to sue for Japanese favor and for an alliance with Japan. The essential prerequisites were, of course, that she should grant the Japanese demands for treaty revision. Great Britain had indeed begun to act in this direction, with wise prevision, before the three powers committed their gross spoliation of Japan. Only a few weeks after the outbreak of the war she made a treaty with Japan under which the whole system of extraterritorial jurisdiction was abolished, Japan was to make what tariffs she pleased, and her whole empire was to be freely opened to foreign residents. This was almost identical with the treaty which the United States had made years before, but which had been held in abeyance until the other powers should enter into similar engagements. Upon the completion of the British treaty, therefore, the United States quickly ratified and proclaimed its treaty with Japan, and the continental powers of Europe were constrained to follow the example thus set by these two nations. The year 1899 was set as the date on which Japan was to be released from the last traces of thraldom and was to be fully recognized as a peer among the great powers of the world. It was cause for profound gratification that the United States had taken the initiative at every step in this process, from the original "opening" of Japan to the final recognition of her equal sovereignty among the nations.

American relations with the "Hermit Nation" of Korea began in 1866. That country had maintained itself in stricter seclusion from the rest of the world than even China or Japan, and foreigners were forbidden to land upon its shores; though a few missionaries succeeded in securing exceptions to the rule. In June, 1866, an American trading vessel, the *Surprise*, was wrecked upon the Korean coast, and its crew fell into the hands of the Koreans. Instead of being slain or imprisoned, as they

feared, they were treated with great kindness, and were taken on horseback to the Chinese frontier, that they might thence make their way to a treaty port. This conduct of the Koreans was the more notable for the reason that at that time the country was passing through a storm of agitation and violence against foreign missionaries, who were being massacred and expelled from Korea, and the French government was preparing for serious reprisals.

Two months later another American vessel had a very different experience. This was the trading schooner *General Sherman,* with an American captain, mate and overseer, a British supercargo and interpreter, and twenty Chinese sailors, which in August, 1866, went from Chefoo, China, to the Ta Tong River, Korea, ostensibly on a trading errand. It was heavily armed, however, and there were credible reports that its real purpose was to plunder the tombs of the Korean kings at Ping An, take the gold and jewels which they contained, and hold the royal remains for ransom. This story appears to have been believed by the Koreans, and indeed it has never been disproved. The result of the expedition was that a conflict occurred, every member of the ship's company was killed, and the vessel was burned. Two naval expeditions were sent by the United States to investigate the matter, but the most contradictory reports were heard, among which it was impossible to determine which was true. The Korean government declared that the crew had begun hostilities, while others said that the foreigners had been arrested by the governor and put to death at the command of the king. In view of the uncertainty of the circumstances, the United States government and also the British decided to take no action in the matter.

A year later some Koreans went to Shanghai, China, and it was reported to the American consul there that they had come to inquire if a Korean mission to the United States would be well received, if it came to explain the circumstances of the destruction of the *General Sherman* and to make reparation for it, and also to make a commercial treaty which would open Korea to trade. These Koreans did not approach the American consul, but he was told of their alleged mission by a third person, and without ascertaining the truth of the story he reported it as

true to the Government at Washington. In consequence the American minister at Peking, Frederick F. Low, was directed to proceed to Korea with two or more naval vessels, to ask for an official explanation of the *Sherman* affair, and to negotiate, if possible, a treaty of amity and commerce, or at any rate a treaty providing for proper treatment of shipwrecked sailors. The Chinese government was requested to notify the Korean government in advance of the coming of this mission, and did so, though it declared that the request was "an extraordinary favor, quite in excess of usage."

Accordingly, on May 30, 1871, the American minister arrived near Chemulpo, Korea, escorted by Admiral Rodgers with four ships of war, and announced that he had come on a peaceful errand, that he desired to see the king, and that the ships would remain there until he had seen him; and that meanwhile they would employ themselves in making surveys. Two days later two of the vessels started up the channel leading to the city of Kang Wa, which was the real port of the capital. There they were fired upon from the Korean forts, and they returned the fire with effect, silencing the forts without loss to the ships. This episode confirmed Low in the belief which he had held from the beginning, that the story told to the consul at Shanghai was false, and that the Korean government was determined, as thitherto, to refuse all intercourse with other nations. To let the mission cease at that point would, however, he thought, injure American prestige in China as well as in Korea, and he therefore decided to demand an apology for the attack upon the ships, and in default of it to wreak vengeance upon the forts. When ten days had expired without the making of an apology, a strong force was landed from the ships, and the forts were destroyed. The Koreans fought with desperation, and hundreds of them were killed. The American loss was three killed and nine wounded.

During the ten days while the Americans were waiting for the apology which they had demanded, the Korean governor of that province wrote to Low a letter earnestly protesting against the attempt of the United States to establish relations with Korea against the will of the latter. He pointed out that the two countries were thousands of miles apart: "It may be said that

it is Heaven's limitation that has placed us so far from each other. Hitherto there has been not a particle of ill feeling between us. Why should arms now drag us into mutual resentment? It would be better each to remain peacefully in his own place." This convinced Low that there would be little profit in further attempts at negotiation. He was also completely convinced, from this and from other circumstances, that the tale of overtures or inquiries of Koreans at Shanghai, concerning a mission to the United States and a treaty for the opening of their country to the world, was a sheer fabrication. "I feel bound to say," he wrote to the state department, "that the consul-general's informant fabricated, for ulterior and base purposes, the information embodied in the despatches. There is no reason to suppose that it contained the least shadow of truth." In this Low was doubtless right. The American consul at Shanghai had been grossly imposed upon, and he in turn had, innocently but indiscreetly, led the Government into a colossal blunder. It was afterward ascertained that the imposition was practised upon the American consul by an American adventurer in order to cover a piratical expedition which the latter, in conjunction with some disreputable Europeans, was organizing with precisely such a purpose as that which the *General Sherman* was said to have had, namely, the looting of royal tombs, for plunder and for ransom. The fellow did actually attempt the raid, with the result that his party had a fight with the Koreans and fled back to Shanghai without accomplishing the ghoulish purpose. There he was arrested and tried, but escaped on a verdict of "not proved," though there was no doubt of his guilt.

After these things nothing more was done by this country toward establishing relations with Korea until 1878, when a resolution was introduced into Congress requesting the President to seek a treaty of peace and commerce with the Hermit Nation. This resolution was not acted upon, but the next year the President instructed the naval commander in the East, Commodore Shufeldt, to try to get into communication with the Korean government. Shufeldt did try, but in vain. But during the winter of 1881–82, which he spent at Peking, he and the American minister learned from the great Chinese minister, Li Hung-chang, that the Korean government would probably regard favorably a

proposal for a treaty. An eminent Korean attached to the Chinese legation in Japan had sent to the King of Korea a memorial setting forth that Korea was in great danger of an attack and conquest by Russia—which was true enough—and that for its own safety it ought to make friends with some powerful western nation in addition to China and Japan. Of all western nations, he said, America was most friendly to Korea and least likely to seek undue advantages. This memorial so impressed the king that he at once sent agents to Peking to consult Li Hung-chang, and he, approving the policy suggested, conveyed the intelligence to the American legation.

In the spring of 1882, therefore, Shufeldt went to Chemulpo, with an American man-of-war and three Chinese naval vessels, the latter bearing a Chinese commissioner authorized to make a treaty on behalf of that empire. The double mission was cordially received, and on May 24 a treaty of peace, amity, and commerce was signed between the United States and Korea. Under its terms the three Korean ports already open to the Japanese were opened to American commerce, diplomatic and consular officers were to be received, shipwrecked sailors were to be cared for, and the two countries were reciprocally opened to the citizens and subjects of each, for travel and residence. It was stipulated that American consuls in Korea should have extra-territorial jurisdiction over American citizens in that country, but also that that system should be abandoned as soon as the Korean government so far reformed its judicial procedure as to make it conform with American principles of justice. Lucius H. Foote was soon thereafter sent to Korea as the first American minister, and was most cordially received, and a Korean mission, consisting of two special envoys, was sent to the United States.

There then arose a controversy with China, in which that country assumed a strangely inconsistent attitude. In 1866 the Chinese government had declared in the most positive manner that it had no responsibility whatever for the acts of Korea, and that in its external relations the latter country was quite independent. This declaration was repeated when Korea made the treaties with Japan in 1876 and with America in 1882. But in 1887, when Korea purposed to send a permanent minister to the United States and another to Europe, the Chinese government inter-

vened with a declaration that that could be done only with its permission. This so alarmed the Korean king that he humbly begged the Chinese emperor to grant permission for the sending of the envoys; though at the same time he assured the American minister at Seoul that he meant to send them anyway. The permission of China was given, on condition that Korean envoys should be not ministers plenipotentiary but mere ministers resident, so that they would be lower in diplomatic rank than the Chinese ministers, and also that the Korean ministers should in all important matters consult and be governed by the Chinese. The American state department instructed its minister to Seoul to protest against this action of China and to give notice that the United States would ignore the Chinese pretensions and would treat the Korean minister as the independent agent of an independent and sovereign power. This course was pursued by this country, and Korea was also emboldened to ignore the demands of China; and no further question was raised on the subject, although China nominally maintained her pretense of suzerainty over Korea until the war with Japan in 1894–95.

When that war was threatened, the United States government through its minister at Seoul tendered its good offices to both the belligerents for a peaceful settlement of their differences, but in vain. The King of Korea, realizing the effect the war would have upon his country, telegraphed to his minister at Washington that the independence of Korea was imperiled and asked him to request American intervention for the maintenance of peace. He also in person asked the American minister at Seoul for permission to seek asylum in the legation in case of need; which was of course granted. The Chinese government also asked the United States to take the initiative in a concerted intervention of the powers to compel Japan to withdraw from Korea. The secretary of state, Gresham, thereupon had a personal interview with the Japanese minister at Washington, in which he expressed a strong hope that Japan would deal kindly and fairly with Korea, in whose welfare the United States felt a peculiar interest; and was informed in reply that Japan would respect the independence of Korea, but would not withdraw until necessary reforms in the Korean administration were effected.

A little later the British ambassador at Washington inquired

whether the United States would unite with Great Britain in intervention to prevent war. The judicious reply was that the United States could not intervene save as a friendly neutral with tenders of good offices, and that it could not do even that in concert with another power, but must act alone. The attitude of the United States did not prevent the war. But it did greatly commend this country to the confidence and grateful esteem of all the three Asiatic nations concerned. During the war the Japanese government entrusted the archives and property of its legation at Peking and its various consulates to the American minister and consuls, and the Chinese government did the same with respect to its offices and property in Japan. Each country regarded the United States as its "next friend."

In the performance of these delicate duties the United States became involved in one embarrassing controversy, which was afterward the subject of much comment. Two young Japanese were arrested in the French quarter of Shanghai as spies, and were turned by the French consul over to the American consul, as the guardian of Japanese interests. The Chinese demanded their surrender for trial. The American consul refused to give them up unless so ordered by his Government. It was ascertained that they had been residents of Shanghai for three years, and thus were not spies lately sent thither. On the other hand, they wore Chinese dress, which was unlawful, and they had in their possession maps and plans. The American state department finally ordered the consul to give them up, and he did so, with the result that they were tried, condemned, and put to death. This course of the state department was opposed by the American chargé d'affaires in China and by the consul-general, and was unsparingly condemned by most of the foreign residents of China. Nevertheless it is difficult to see what else could properly have been done. It is significant that the Japanese minister at Washington declared to the secretary of state that he had acted correctly, in his opinion and in that of the Japanese government.

During the war the British government again asked the United States to join with the four chief European powers in intervention, and the Chinese government added its request to the same end. The reply was, however, the same as before, that the

United States could only tender its good offices as a friendly neutral, and that it must do so alone and not in alliance with other powers. An independent effort for peace was, however, made by the United States in November, 1894, when a tender of good offices was made through the American minister at Tokio, coupled with the caution that too great success on Japan's part might move other powers—not, of course, the United States—to intervene for a settlement not agreeable to Japan. That was a prophetic warning of what actually occurred, but it was not heeded by the Japanese government, which replied that while it appreciated the friendly sentiments and purposes of the United States, it could not do otherwise than to continue the war until China herself should sue for peace. At the same time Japan requested that if China should make overtures for peace, her communications should be made through the American legation at Peking. This was done, and only two days later the American minister was authorized to transmit to Japan China's request for peace. Both countries had American advisers in the peace negotiations, and both Governments expressed their appreciation of the friendly services which the United States had rendered.

XXXI

THE WAR WITH SPAIN

ONE of the most difficult things in history is to write impartially of a war to which the historian's own country was a party, and particularly at a time when memories of it are still fresh and the passions which it excited are not yet altogether subsided. Most of all is this difficult in the case of a war which was in its origin and conduct characterized more by mad passion than by ordered reason; as was the Spanish-American War of 1898.

That conflict was logically the culmination of the long train of incidents and international dealings of which an outline has hitherto been given, and which began in the opening years of the last century. Since 1803 the United States had been politically interested in Cuba; since 1823 it had been committed to the policy of insisting that Cuba and Porto Rico should remain in the possession of Spain until they became independent or were transferred to this country; and since 1840 it had maintained a protectorate over those islands in behalf of Spain, proclaiming loudly its readiness to fight all the world, if necessary, to protect Spain in her possession of them or to restore them to her. That record gave this country a certain historic title to a voice in Cuban affairs. The logical corollary of our proclamation of a protectorate was, that we were invested with great responsibility and with a high degree of authority.

We were responsible to the world, morally if not legally, for the government and for the condition of Cuba. We were defending and maintaining Spain in her policy in that island. We were forbidding any other nation to intervene there for the abatement of evils. We were the self-constituted champion of Spanish rule in Cuba, and there was no avoiding the conclusion that we were responsible for the character of that rule. Many times other nations would have intervened if we had not for-

bidden them. Moreover, we were entitled to great authority. Authority and responsibility are inseparably conjoined. The former cannot be exercised without incurring the latter; and the latter is not to be borne unless the former is exercised. Our responsibility for Spanish rule in Cuba, and Spain's debt to us for our protection of her sovereignty there, gave us the moral right to remonstrate and to advise with Spain against bad government, and placed her under the strongest of obligations to hear and to heed us. But our remonstrances, advice, pleadings, and what not had no effect. Spain persisted in her ways, and these pretty steadily went from bad to worse. Cuba was the "milch cow" of the Iberian peninsula, and was governed and exploited not for its own prosperity but for the profit of Spain. For a time, under the administration of Benjamin Harrison, the United States granted commercial reciprocity to the island, to its great gain, and while that system lasted there was a measure of prosperity, contentment, and peace in Cuba. But the succeeding administration of Grover Cleveland abolished that system and hard times befell the island, all the more intolerable because of the contrast with the preceding prosperity. Disaffection consequently became rife, and in 1895 the final insurrection against Spanish sovereignty began.

In this the United States was immediately and directly involved, in a number of ways. The insurrection was, to begin with, conceived, planned, and directed in this country, by Cubans and Cuban sympathizers. A junta was formed in New York which was the governing and directing force of the whole movement; conducting its affairs with the utmost openness, with popular approval, and without government interference. It will be recalled that during the Civil War our Government bitterly protested against the toleration of similar Confederate activities in England, saying that three departments of the Confederate government were practically domiciled and were conducting their business there. That was true. But it was still more true that the Cuban rebel government had all its departments domiciled in the United States, and that this country was openly made the base of operations against a country with which we were officially at peace.

Another complication was caused by the large number of

Cubans who had come to this country and become naturalized, and then returned to Cuba as militant insurgents under a claim of protection as American citizens. Within two years seventy-four persons were arrested in Cuba by the Spanish authorities for participation in the rebellion, of whom the great majority were naturalized or the sons of naturalized American citizens. The United States government was kept busy intervening in their behalf, not always with success. Some were released, some were expelled from the island, and some were condemned to imprisonment or death.

Filibustering was also rife. The proximity of Cuba to our shores, the extent of our coast line and the number of our harbors, and perhaps above all the widespread sympathy of Americans with the rebellion, facilitated the sending of expeditions, with supplies and reinforcements. Many of these were stopped by our own authorities, on their own initiative. Many others were stopped because of information given and complaints made by the active and efficient agents of the Spanish government, whose complaints were almost invariably well-founded. But a considerable number succeeded in evading official watchfulness and in reaching the Cuban shores. In the first two years of the insurrection at least forty-two expeditions got away, of which fifteen were successful in reaching Cuba. In only eleven cases were any proceedings instituted, in only three were convictions secured, and in not one was a vessel finally condemned.

Yet the *prima facie* evidence against some of them was overwhelming. Thus the *Commodore* took aboard at Wilmington, North Carolina, a cargo, of the nature of which the captain declared his entire ignorance but which he cleared as "agricultural implements and machinery." The ship was detained, and the cargo was found to consist of arms and ammunition, including a rapid fire gun of the latest pattern fitted to be used from the deck of the vessel. The court dismissed the case, on the ground that there was no proof that the articles were intended for use in Cuba or against Spain. The facts that the United States was at peace with all nations and that there was thus no legal use for the things anywhere, and that gross falsehood had been employed in the clearance of the cargo, were overlooked. A few months later the same vessel made another trip, and landed men,

arms, and ammunition in Cuba. This trip was made without a license, and the vessel was libeled for violation of the navigation laws, but the case was never tried, for the reason that the Cuban junta in New York smuggled out of reach the only two material witnesses. The captain of the vessel declared that he was compelled to put ashore in Cuba for safety, since the craft had sprung a leak. A few months later still another successful trip of the same character was made, and again the vessel enjoyed immunity on the same pretense of a leak. It is impossible to avoid the conclusion that the people and Government of the United States committed or permitted violations of neutrality more flagrant and more numerous than those of England against this country during the Civil War.

Another important feature of the case was the persistent and often malignant propaganda against Spain and in favor of war which was conducted by a portion of the American press, and particularly by one widely circulated paper in New York which a few years later became infamous for its direct incitement of the assassination of President McKinley, and the proprietor of which was supposed to have some personal interest in provoking a war which would wrest Cuba from Spain and annex it to the United States. The prints daily teemed with gross slanders against the Spanish government and incendiary appeals for war, with the result that popular passions were aroused to an abhorrent degree, and the course of many members of Congress was perniciously affected.

At an early date the question arose of the official attitude of our Government toward the insurrection. The President, Cleveland, acted with promptness and sound discretion. He did not recognize the belligerency of the Cubans, but he did recognize their insurgency. This was regarded by many as a new course and as something not warranted in international law. It was, however, logical and benevolent. It amounted simply to this, that the United States officially recognized what was perfectly notorious, that a state of rebellion existed in Cuba, though it was not sufficiently formidable or organized to entitle those who were concerned in it to the rights and privileges of belligerents. In pursuance of this policy the President on June 12, 1895, issued a proclamation calling attention to the state of affairs in Cuba

and warning all American citizens and all persons within the jurisdiction of the United States to refrain, under penalty, from taking any part in the rebellion or doing anything contrary to the neutrality laws of the United States. It was in defiance of this proclamation that the filibustering to which we have referred was committed.

The policy of Congress was not as wise and prudent as that of the President. Under the influence of prejudice and passion, or with a desire to cater to the popular demands which had been excited by the sensational and licentious members of the newspaper press, it sought to compel intervention in a way which could scarcely have avoided giving offense to Spain. The Senate on February 28, 1896, and the House on April 6 following, passed by overwhelming majorities a concurrent resolution recognizing a state of war in Cuba, recognizing the insurgents as entitled to all belligerent rights, and tendering the good offices of the United States for a settlement of the conflict on the basis of the surrender of Spain and the granting of independence to Cuba. This was, happily, nothing more than an expression of congressional opinion, and had no binding force upon the President, who of course ignored it. Its effect upon popular sentiment, and upon the feelings of Spain and other countries toward the United States, was distinctly unfavorable.

A far better course was pursued by Cleveland himself when, on April 4, 1896, through his secretary of state, Richard Olney, he addressed to the Spanish government a tender of good offices for the composure of the troubles on the basis of reforms in the Cuban government and a more complete autonomy for that island, which should leave it, however, still a part of the Spanish domains. In this there was nothing offensive, while if accepted it might have proved effectual. But the Spanish government on May 22 declined the offer, on the ground that Cuba already enjoyed "one of the most liberal political systems in the world." This was an exaggeration so palpable that it is impossible to suppose that the Spanish government itself regarded it seriously. The Spanish reply contained the suggestion that the United States could best promote the pacification of the island by prosecuting and putting an end to the unlawful expeditions of its own citizens in aid of the insurgents. Despite this refusal

of his offer, Cleveland persisted in his refusal to recognize the insurgents as belligerents, on the ground that they were not sufficiently organized and did not control sufficient territory to warrant it; and that such recognition would be adverse in its effects to the interests of the United States. This wise example was followed by his successor, President McKinley, who in 1897 declared that the insurrection, however formidable it might seem, did not possess beyond dispute the attributes of statehood which alone could demand the recognition of belligerency in its favor.

The most serious features of the situation were, however, found in the character of the warfare itself. At the outbreak of the insurrection General Calleja was replaced in the governorship of Cuba by Martinez de Campos, the accomplished soldier and statesman who had ended the Ten Years' War in 1878. But "Spain's greatest general" was unable to make headway against the insurgents or even to hold them in check. Maximo Gomez, Calixto Garcia, Antonio Maceo, and José Marti were skilled veterans of the Ten Years' War, and they had behind them a larger proportion of the Cuban people than had ever before been concerned in a rebellion. Accordingly in January, 1896, Campos was relieved of his command and was replaced by General Valeriano Weyler, a man of much military ability, but ruthless to an extreme. He was, moreover, an object of peculiar hatred to the Cuban people because of the severity of his policy in the Ten Years' War, when he was popularly known as "Valmaseda's assistant butcher," and when he, or the troops under him, committed unspeakable atrocities. His coming to Cuba in 1896 was not unreasonably regarded as a signal for the renewal of savage methods, and that expectation was fully realized, on both sides.

Weyler's chief reliance was placed upon what was known as his reconcentration policy. This comprised the construction of lines of ditches and barbed wire fences, in at least one place extending across the island, to hamper the movements of the insurgent forces; and, still more, the surrounding of towns and villages with similar fences, within which the noncombatant inhabitants, mostly women and children, were confined as prisoners. The inhuman horrors of this system, which doomed thousands of innocent and helpless people to death from disease and

starvation, were indescribable. The highly competent and trustworthy United States consul-general at Havana, Fitzhugh Lee, in December, 1897, reported that in the Province of Havana alone there had been 101,000 of these hapless "reconcentrados," of whom 52,000 had died. The policy, he added, had transformed about 400,000 unoffending people, principally women and children, into a multitude to be sustained by the charity of others or to die of fevers and starvation.

Even more impressive was the testimony given in the United States Senate by one of its members, Redfield Proctor, of Vermont, who went to Cuba on a tour of personal investigation early in 1898. "It is," he said, "not peace, nor is it war. It is desolation and distress, misery and starvation. Every town and village is surrounded by a 'trocha,' a sort of rifle pit, the dirt being thrown up on the inside and a barbed wire fence on the outer side of the trench. These trochas have at frequent intervals small blockhouses, loopholed for musketry, and with a guard of from two to ten soldiers in each. I saw no house nor hut in four hundred miles, except within the Spanish trochas." It may be added that when General Weyler was in turn withdrawn from the command in Cuba in October, 1897, he was replaced by General Blanco, who continued this same policy in all its heartless severity.

While thus extermination was the policy of the Spaniards, devastation was that of the Cubans. There was begun and maintained a deliberate system of destruction of the industries and resources of the island, with the avowed object of transforming it into a desert from which the Spanish would have to flee for sustenance. The sugar and tobacco plantations were, of course, the chief objects of attack. This was, indeed, begun long before the Spanish "reconcentration" policy. As early as November 6, 1895, Maximo Gomez, the rebel chief, ordered first the suspension of all work on all plantations, and then the destruction by fire or otherwise of all plantation buildings and their railroad connections. All men who continued at work on plantations or in factories were to be considered traitors to Cuba, and were to be shot at sight. These things were ordered in formal public proclamations, and were sternly fulfilled.

The effect of this destructive policy may be briefly stated, at

least in part. In 1894, the year before the war, the sugar crop of the island was 1,050,000 tons; and in 1896, the year after the war began, it was only 200,000 tons. In 1894 the tobacco crop was 450,000 bales; and in 1896 it was only 50,000 bales.

The interest of the United States in these things was manifold. It was based partly upon humanity, and partly upon pecuniary considerations. Commenting upon it in his annual message of December 7, 1896, President Cleveland justly said:

"The spectacle of the utter ruin of an adjoining country, by nature one of the most fertile and charming on the globe, would engage the serious attention of the Government and people of the United States in any circumstances. In point of fact, they have a concern with it which is by no means of a wholly sentimental or philanthropic character. It lies so near to us as to be hardly separated from our territory. Our actual pecuniary interest in it is second only to that of the people and Government of Spain. It is reasonably estimated that at least from $30,000,000 to $50,000,000 of American capital are invested in plantations and in railroad, mining, and other business enterprises on the island. The volume of trade between the United States and Cuba, which in 1889 amounted to about $64,000,000, rose in 1893 to about $103,000,000, and in 1894, the year before the present insurrection broke out, amounted to nearly $96,000,000. Besides this large pecuniary stake in the fortunes of Cuba, the United States finds itself inextricably involved in the present contest in other ways both vexatious and costly."

Continuing, in the same message, Cleveland wisely and courageously prescribed the policy which this Government should pursue:

"When the inability of Spain to deal successfully with the insurrection has become manifest, and it is demonstrated that her sovereignty is extinct in Cuba for all purposes of its rightful existence, and when a hopeless struggle for its reëstablishment has degenerated into a strife which means nothing more than the useless sacrifice of human life and the utter destruction of the very subject-matter of the conflict, a situation will be presented in which our obligations to the sovereignty of Spain will be superseded by higher obligations, which we can hardly hesitate to recognize and discharge. Deferring the choice of ways

and methods until the time for action arrives, we should make them depend upon the precise conditions then existing; and they should not be determined upon without giving careful heed to every consideration involving our honor and interest, or the international duty we owe to Spain. Until we face the contingencies suggested, or the situation is by other incidents imperatively changed, we should continue in the line of conduct heretofore pursued, thus in all circumstances exhibiting our obedience to the requirements of public law and our regard for the duty enjoined upon us by the position we occupy in the family of nations."

It was one of the redeeming features of the case that in the United States the voice of partizan faction was stilled. The various votes in Congress were not divided on party lines, nor was there any change in governmental policy when the Democratic administration of Cleveland was replaced, in March, 1897, by the Republican administration of McKinley, with John Sherman in place of Richard Olney as secretary of state. We have quoted from Cleveland's last annual message to Congress. McKinley, in his first annual message, a year later, on December 6, 1897, expressed the same identical opinions and prescribed the same identical policy. He said:

"The near future will demonstrate whether the indispensable conditions of a righteous peace, just alike to the Cubans and to Spain, as well as equitable to all our interests so intimately involved in the welfare of Cuba, is likely to be attained. If not, the exigency of further and other action by the United States will remain to be taken. When that time comes, that action will be determined in the line of indisputable right and duty. . . . If it shall hereafter appear to be a duty imposed by our obligations to ourselves, to civilization, and to humanity to intervene with force, it shall be without fault on our part, and only because the necessity for such action will be so clear as to command the support and approval of the civilized world."

Meantime diplomacy was busy. Sherman, the secretary of state, on June 27, 1897, addressed a note to the Spanish government protesting on humane grounds and also on those of the material interests of the United States and its citizens, against the "reconcentration" policy of Weyler. The reply was a

general denial. The Spanish government protested that affairs in Cuba were not nearly as bad as they had been represented; that Weyler's orders were not at all unusual in war, and were no more severe than some which United States officers had issued during the Civil War—as by Sheridan in the Shenandoah Valley and by Sherman in Georgia—and that in proof that the destitution was not as great in Cuba as it had been reported, of the $50,000 which the United States Congress had appropriated for the relief of Cuban sufferers only $6000 had been spent, because nobody else could be found on whom to spend the rest. The note concluded with a somewhat tart reminder of the continued activities of the Cuban junta in New York and of the assistance which the Cuban rebels were illegally receiving from the United States. In brief, it was suggested that the United States would better pay less attention to Spanish affairs and more to the enforcement of its own neutrality laws. Disband that junta, said Spain, and the rebellion and its attendant troubles would soon be ended. The rejoinder of the United States, made by William R. Day, the assistant secretary of state, was that such disbandment was impossible under existing laws and in the existing state of public opinion. Of the latter part of that rejoinder there was unhappily no doubt. Under the œstrus goadings of the "yellow" press popular opinion had been put into a semi-hysterical condition, in which facts and reason were lost sight of in an insensate frenzy.

During the Cleveland administration the United States was represented at Madrid by Hannis Taylor, a particularly competent and efficient minister, who loyally reflected the sane and sound views of his chief. He was replaced in September, 1897, by General Stewart L. Woodford, also a diplomat of high character and accomplishments and a sincere friend of both peace and justice. He made to the Spanish government on September 23 a tender of the good offices of this country for a composure of the troubles. He reminded the Spanish government of the radical expressions of opinion of Congress the year before, and of the likelihood that when it reassembled in the near future it would be in a still more impatient frame of mind. Therefore he hoped that the Spanish government would favor him with a prompt reply, in order that a favorable report might be made.

The sequel was the resignation of the much-harassed Spanish ministry of Canovas del Castillo, which within a week after Woodford's representations, though not because of them, was replaced by a Liberal ministry under the lead of Praxedes Sagasta. It was shortly after that event that Weyler was replaced in Cuba by Blanco.

It was just a month after his tender of good offices that Woodford received a reply. It was to the effect that the new ministry intended to grant autonomy to Cuba, and it renewed the urgent request that the United States would more efficiently enforce its neutrality laws. "Despite the express provisions of those laws," said Gullon, the Spanish minister for foreign affairs, "and the doctrines maintained by the American government in the famous *Alabama* arbitration with regard to the diligence which should be used to avoid whatsoever aggressive act against a friendly nation, it is certain that filibustering expeditions have set forth, and unfortunately continue to set forth, from the United States, and that, in the sight of all men, there is operating in New York an insurrectionary junta which publicly boasts of organizing and maintaining armed hostility and constant provocation against the Spanish nation." The most effective thing that the United States could do toward attaining the end which it professed to have in view, he said, would be to adopt the policy of former administrations, in more energetically vindicating its own neutrality. The United States had at Geneva, in the *Alabama* arbitration, insisted that no nation might, under the pretext of inadequate laws, fail in the fulfilment of its duties of sovereignty toward another sovereign. To this complaint concerning the toleration of the Cuban junta in New York, no answer was made.

A month later, on November 27, 1897, the Spanish government announced its autonomy plans for Cuba, and McKinley reported upon them in his message to Congress on December 6. Weyler, he said, had been recalled, the concentration order had been modified, some prisoners had been released, and so far as the Government could ascertain not a single American citizen was in prison or under arrest in all Cuba. He therefore thought that the new Spanish government and its proposals ought to have time for a fair trial of their efficiency. If satisfactory

results were not forthcoming, however, the United States would have to consider the need of intervention; and he continued with the warning to that effect which we have already quoted.

The Spanish offer of autonomy might have been sufficient if it had been made before or at the very beginning of the rebellion. At this time, it was too late, as was soon made manifest. Lee, our consul-general at Havana, had no confidence in it, and soon after its promulgation made the distressing report on the effects of the concentration order which we have quoted, and after that came Senator Proctor's account of his observations. On January 13, 1898, moreover, serious riots were organized in Havana in opposition to the Government's scheme. Thereupon Lee advised the Government that it might be desirable to send a warship to that port at a later date, but not at that time. Nevertheless the Government, largely in compliance with the sensational clamor of the war-fomenting press, determined to send one, and on January 24 it notified Lee that the battleship *Maine* would be there in the course of a few days. This, it explained, was merely the resumption of the old practice of occasional friendly visits of our ships at Cuban ports. But another interpretation was universally placed upon it. Lee considered it most unwise, and cabled an appeal for delay of the visit at least for a week, until prevailing agitation at Havana might subside. But it was too late. The vessel had already sailed and could not be recalled.

The ship arrived at Havana on her ill-conceived and ill-fated visit on January 25, and was received with courtesy by the authorities and with apathy and unconcern, at least on the surface, by the public. As a matter of fact, however, the visit was intensely resented by the Spanish people at Havana, and not a few of them made their feelings publicly known. The Spanish minister at Washington, Dupuy de Lome, also regretted and disapproved it, and in private conversation criticized it as most ill-advised. The Spanish government made no protest nor any unfavorable comment, but presently announced its purpose to send its battleship the *Viscaya* to New York on a return visit. This was not done, for several weeks, until after two important occurrences, one of them the most tragic and deplorable in the whole three years' drama.

On February 9, 1898, "The New York Journal" published the fac simile of a letter written by the Spanish minister at Washington. This sheet had been the most vociferous and vicious of all the sensational and war-mongering press in inciting the passions of the public against Spain, and against any member of the United States government who would not join in its savage clamor for war. It obtained the letter by some of the devious and surreptitious ways familiar to papers of that type; and its purpose in publishing it was of course the purely malicious one of making more difficult if not impossible a peaceful adjustment of affairs between America and Spain. Despite these disreputable circumstances of its publication, however, the character of the letter was such that it could not be ignored by the Government. De Lome said in effect that the President was "a bidder for the admiration of the crowd, a would-be politician who tries to leave a door open behind him while keeping on good terms with the jingoes of his party." In addition, the letter showed that De Lome had been guilty of bad faith in the negotiations for a commercial treaty which he had been conducting. Failing health and the infirmities of age at this time incapacitated Sherman from performing the duties of secretary of state, and his assistant, Day, therefore took the matter in hand. He at once sought an interview with De Lome, and in a painfully abrupt manner demanded to know if he had written the letter. De Lome admitted that he had, though he challenged the accuracy of the published translation, and insisted that its contents were quite permissible under the seal of private correspondence. The Government did not, however, agree with him. Overlooking the discreditable method which had been employed in the publication of the letter, it instructed Woodford at Madrid to inform the Spanish government that the immediate recall of the offending minister was expected. In reply he was told that the Spanish government greatly regretted the indiscretion and that De Lome's resignation had already been accepted by cable. Our Government requested further a formal disavowal by the Spanish government of the sentiments which had been expressed by its minister, but afterward declared itself satisfied with the prompt acceptance of the offending minister's resignation.

At almost the very hour when this unpleasant incident was

thus closed, the world was startled by an occurrence of the most appalling and ominous character. This was the destruction of the United States battleship *Maine,* in the harbor of Havana, by an explosion, with the loss of two of her officers and two hundred and fifty-eight men of her crew. This catastrophe occurred on the evening of February 15, and created, of course, a most profound impression. Some hot-headed or malicious persons assumed to believe that the deed had been done by or at the instigation of the Spanish authorities, and clamored for vengeance. The "yellow" press was filled with denunciations of Spain, and with the most monstrous falsehoods concerning the occurrence. One went so far as to print a fabricated despatch saying that a diver had been sent down to examine the sunken hull and had found a hole in its side caused by a torpedo. The paper with almost incredible effrontery printed what it declared was a photograph of that hole in the vessel, the picture thus used being the identical cut which had passed muster a year or two before in the same paper for a portrayal of a total eclipse of the sun! Madly extravagant as these ravings were, they appealed to the passions of the multitude to an extent which must be remembered with humiliation.

Happily the Government kept its head, and so did a large part of the nation. The captain of the ship, Sigsbee, telegraphed that judgment should be suspended until a thorough investigation could be made, and this sane advice was followed. The Spanish government promptly expressed the utmost sorrow, and asked to be permitted to join in the examination of the wreck and the investigation of the causes of the disaster. Our Government declined to grant this request, and insisted upon making the examination alone, though it offered the Spanish authorities every facility for making an independent investigation.

The result of the investigation was on the main question entirely inconclusive. It was found that there had been two explosions. One was comparatively slight, resembling the report of a single cannon. The other almost instantly followed, and was of tremendous violence. The naval court of inquiry expressed the opinion that the first explosion was that of a mine, outside the ship, and that the second was the internal explosion

of one or more of the ship's own magazines, caused by the external explosion. But who was responsible for the mine did not appear, nor could the slightest clue to the origin of the first explosion be found. It may be added that all subsequent investigations, including that of later years, when the wreck was finally raised to the surface, towed out to deep water in the Gulf, and sunk, merely confirmed that first report and left the mystery of the disaster as inscrutable as ever.

There were four theories, all credible. One was that it was purely accidental, the mine having drifted by chance from some other part of the harbor to the anchorage of the *Maine*. There was, however, no certain proof that any mines had lately been placed in those waters. Another was that a mine had been sent against the ship by some of the Cuban insurgents, in the expectation that blame for it would be thrown upon Spain. The third, for which there was some color of probability, was that the thing had been done by some of the American war agitators, who were fearful lest the controversy between the two countries should be settled amicably, and who were consequently ready for any desperate deed to cause trouble. The theory was that they planned merely to explode a small mine, which would damage the ship a little but not destroy it or cause loss of life, but which would throw upon the Spaniards suspicion of having attempted the crime. The fourth theory was, that the deed was done by Spaniards. This last, though not on the whole the most probable of the four, was the one most generally, indeed, almost universally, accepted. A few even believed that the Spanish government itself had done the thing; while those who thought it the work of individuals still blamed the Spanish authorities for not more efficiently safeguarding the ship. The fact that such a thing could happen was, they held, proof of the worthlessness of the Spanish administration in Cuba and was an additional reason for turning it out, bag and baggage. So "Remember the Maine!" was taken up as a national war cry, and from that hour the propaganda of war advanced swiftly and irresistibly.

Nevertheless, diplomacy continued its ineffective efforts. Three days after the destruction of the *Maine* the Spanish battleship *Viscaya* came to New York, as had previously been arranged, and lay in that harbor for a week. There was much

fear lest some evilly disposed persons should attempt reprisals upon her for the loss of the *Maine,* and in consequence she was closely guarded day and night by the local and national authorities, with the result that her stay was unmarred by any untoward incident.

When the report on the *Maine* reached him the President realized what effect it would produce upon Congress and the people when it was disclosed to them, and he therefore redoubled his efforts to secure an adjustment of affairs with Spain before the report was made public. Woodford, at Madrid, was instructed to urge upon the Spanish government the desirability of such a settlement, and consequently on March 23 he informed it that the report on the *Maine* was in the President's hands, and that in a few days, unless some agreement were reached, he would be compelled to submit it, and with it the whole question of Cuba and American relations with Spain, to Congress. That was in fact a grave warning, if not a threat, since the temper of Congress had already been shown and there was no doubt as to what it would do if the case were submitted to it for decision.

Two days later the Spanish government made reply. It recalled the fact that the United States had refused to hold a joint inquiry into the loss of the *Maine,* and thus had practically declined to let that matter be passed upon by an impartial tribunal. It argued that it was improper to submit the report to a political and of course not impartial body like Congress, particularly in advance of the report of the Spanish investigation. Both sides of the case, it held, should be heard before judgment was passed. That there was much force in this view of the case is not to be denied, and it must be regretted that the United States government did not more fully recognize the fact. It would have been well had it agreed to the original proposal for a joint investigation, or if it had awaited the result of the Spanish investigation, and then let the matter be considered by some joint commission or by impartial arbitrators. But the war party in this country was too strong for any such course of reason and justice. On the other hand, the anti-American party in Spain was too strong to permit the ministry of that country to make any further concessions. Any show of yielding would have meant a fall of the ministry, if not a revolution.

Something like an ultimatum was presented by Woodford on March 29, at a face-to-face conference with Sagasta, Gullon, and Moret, the minister for the colonies. He declared, on the President's direct authority, that the United States did not want to seize Cuba, but that it did demand the immediate making of peace in Cuba. To that end the President suggested an armistice lasting until October 1, during which time negotiations between Spain and the insurgents should be conducted, through the friendly offices of the President of the United States acting as mediator. Sagasta replied that this was acceptable to Spain, provided that the insurgents asked for the armistice, but that in default of such asking Spain could not offer it. Two days later, on March 31, the conference was renewed. Sagasta declared that the reconcentration order had been revoked and that the Spanish government would assist the people in the rehabilitation of their homes and industries, although that could not be fully done until military operations ceased; that a Cuban Parliament would be summoned to meet on May 4, to which the further pacification and reform of the island would be entrusted; that the governor would be directed to agree to a suspension of hostilities if that were asked for by the insurgents; and that Spain desired to submit the question of the *Maine* to impartial arbitration.

These proposals did not commend themselves to Woodford. He was earnestly desirous of maintaining peace, and would have counted that achievement the crowning work of his life. But he felt constrained to report the Spanish proposals to the President with the comment that they did not mean peace but a continuation of what he described as "this destructive, cruel, and now needless war." He also advised the President that no further concession would be made by the Spanish government, since for it to do so, or at any rate for it to offer an armistice without its being asked for by the insurgents, would provoke a revolution in Spain itself. His spirit was again shown on April 2, when he cabled to the state department: "I have worked hard for peace. I am hoping against hope; and still I cannot bring myself to the final belief that in these closing years of the nineteenth century Spain will finally refuse, on a mere question of punctilio, to offer immediate and effective armistice." Whether

the question of armistice was purely one of punctilio may be open to doubt. There was obviously a radical difference between granting an armistice at the request of the insurgents, and offering it to them unasked, as though the government itself were seeking it as a suppliant.

The next move was made at Washington, where the President, passionately desirous of keeping the peace, was using his most desperate endeavors to hold Congress back from a declaration of war. The new Spanish minister, Polo de Bernabe, laid before the President and state department a copy of the so-called autonomy manifesto of the Spanish government, and concerning it the state department cabled to Woodford late at night on April 4 that it was altogether unsatisfactory. "It is not armistice. It is simply an invitation to the insurgents to submit, in which event the autonomy government, likewise suspending hostilities, is prepared to consider what expansion if any of the decreed home rule scheme is needed or practicable. This is a very different thing from an offered armistice." It was added, meaningly, that the President's message on the whole subject would be sent to Congress on the second day thereafter, April 6.

Still other efforts for peace were made. Archbishop Ireland, one of the most respected and influential prelates of the Roman Catholic church, visited Washington at the direction of the pope, and as a result of this interview with the President reported that he believed that the mediation of the pope would be accepted. The Spanish government at once declared its willingness to grant an armistice at the request of the pope, if at the same time the United States would withdraw its ships of war from Cuban waters. This came to nothing, and the date set for the submission of the whole matter to Congress arrived. On that day, however, a diversion occurred. The envoys at Washington of the six great powers of Europe, Austria-Hungary, France, Germany, Great Britain, Italy, and Russia called together upon the President with a formal appeal for peace, and presented to him this note, signed by them all: "The undersigned representatives of Germany, Austria-Hungary, France, Great Britain, Italy, and Russia, duly authorized in that behalf, address, in the name of their respective Governments, a pressing appeal to the feelings of humanity and moderation of the President and of

the American people in their existing differences with Spain. They earnestly hope that further negotiations will lead to an agreement which, while securing the maintenance of peace, will afford all necessary guaranties for the reëstablishment of order in Cuba.

"The powers do not doubt that the humanitarian and purely disinterested character of this representation will be fully recognized and appreciated by the American nation."

The origin of that action has ever since been a disputed question. The British ambassador was made to appear chiefly responsible for it, but it seems far more probable, in view of some later revelations, that the initiative was taken by Germany, and that the British representative was inveigled into doing what he did partly because the initimate relations between this country and England made it more likely that he would be listened to than any other, and partly in order that the odium, if any, might fall upon him rather than upon the real authors of the scheme. McKinley did not follow the example of Seward, who during the Civil War had refused to listen to joint representations by two European powers. Instead he received the six envoys, recognized their joint action, and accepted their joint note. His reply was made to them at once, and was as follows:

"The government of the United States recognizes the goodwill which has prompted the friendly communication of the representatives of Germany, Austria-Hungary, France, Great Britain, Italy, and Russia, as set forth in the address of your excellencies, and shares the hope therein expressed that the outcome of the situation in Cuba may be the maintenance of peace between the United States and Spain by affording the necessary guaranties for the reëstablishment of order in the island, so terminating the chronic condition of disturbance there, which so deeply injures the interests and menaces the tranquillity of the American nation by the character and consequences of the struggle thus kept up at our doors, besides shocking its sentiment of humanity.

"The Government of the United States appreciates the humanitarian and disinterested character of the communication now made on behalf of the powers named, and for its part is confident that equal appreciation will be shown for its own

earnest and unselfish endeavors to fulfil a duty to humanity by ending a situation the idefinite prolongation of which has become insufferable."

At the same time McKinley decided to withhold his message from Congress until April 11. This was not because, however, of this action of the powers, nor yet in any expectation of further concessions at Madrid, but in response to a request from Lee, at Havana, that additional time should be given for the Americans in that city to get out of it, to places of safety. On April 9 the representatives of the powers at Madrid urged the Spanish government to make the offer of an armistice, at the request of the pope, independently of anything that the United States might do with its fleet in Cuban waters, and to this the government seems to have acceded. At any rate, on Sunday, April 10, the Spanish minister at Washington informed the secretary of state that the Spanish queen had yielded to the wishes of the pope and had ordered the immediate proclamation of an armistice, or at least suspension of hostilities. It was added that after the meeting of the Cuban Parliament on May 4 the Cubans would have ample liberty. The offer of submission of the case of the *Maine* to arbitration by impartial experts was renewed. All this, however, impressed the state department as merely an attempt to temporize, and the sole reply to the minister was that the President would report these latest proposals to Congress in his message the next day.

The message went in the next day, April 11. Much blame was thrown upon McKinley for not giving more weight to those final proposals of the Spanish government. It has been said if he had transmitted their full text to Congress, instead of merely a brief report of them, Congress would have acted very differently and war would have been averted. For this criticism there seems to be no good ground. The Spanish offer of an armistice was not definite and absolute, but was made quite dependent upon the discretion and wishes of General Blanco, and the promise of liberties after May 4 was altogether indefinite. It is really more likely that the submission of the full text to Congress would have added fuel to the fire of its angry zeal and would have made its action more prompt and radical than it was. That war would have been averted is not for a moment to be believed.

The President's message was a detailed and dispassionate review of the whole case, with only incidental reference to the destruction of the *Maine* as an indication of the inefficiency of the Spanish government for the safeguarding of important interests. Its conclusion was that the time had come when intervention was not only justifiable but necessary, in the name of humanity, for the protection of American interests in Cuba, and for the abatement of chronic conditions which were a constant source of menace to our peace and of expense to our government. The grounds of intervention, stated in his own words, were:

"First. In the cause of humanity and to put an end to the barbarities, bloodshed, starvation, and horrible miseries now existing there, and which the parties to the conflict are either unable or unwilling to stop or mitigate. It is no answer to say this is all in another country, belonging to another nation, and is, therefore, none of our business. It is specially our duty, for it is right at our door.

"Second. We owe it to our citizens in Cuba to afford them that protection and indemnity for life and property which no government there can or will afford, and to that end to terminate the conditions that deprive them of legal protection.

"Third. The right to intervene may be justified by the very serious injury to the commerce, trade, and business of our people, and by the wanton destruction of property and devastation of the island.

"Fourth, and which is of the utmost importance. The present condition of affairs in Cuba is a constant menace to our peace, and entails upon the Government an enormous expense. With such a conflict waged for years in an island so near us and with which our people have such trade and business relations; when the lives and liberty of our citizens are in constant danger and their property destroyed and themselves ruined; where our trading vessels are liable to seizure and are seized at our very door by warships of a foreign nation, the expeditions of filibustering that we are powerless to prevent altogether, and the irritating questions and entanglements thus arising—all these and others that I need not mention, with the resulting strained relations, are a constant menace to our peace, and compel us to

keep on a semi-war footing with a nation with which we are at peace."

The reply of Congress came eight days later, after much debate and some differences of opinion between the Senate and the House of Representatives. On April 19 the two Houses agreed upon and adopted these resolutions:

"Whereas the abhorrent conditions which have existed for more than three years in the Island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battleship, with two hundred and sixty-five of its officers and crew, while on a friendly visit in the Harbor of Havana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April eleventh, eighteen hundred and ninety-eight, upon which the action of Congress was invited: Therefore,

"Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, First. That the people of the Island of Cuba are, and of right ought to be, free and independent.

"Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the Island of Cuba, and withdraw its land and naval forces from Cuba and Cuban waters.

"Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

"Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people."

The next day, April 20, the President signed these resolutions and they became law. The Spanish minister left Washington, Woodford left Madrid, and the war was on.

XXXII

RESULTS OF THE WAR

THE war with Spain began diplomatically with the severing of peaceful relations on April 20. From a military point of view it began with the firing of the first shots on April 22, when the American gunboat *Nashville* captured the Spanish vessel *Buenaventura* near the coast of Cuba. It was made a matter of legislative record on April 25, when Congress passed a resolution declaring that a state of war then existed and had existed since April 21. Each country attempted to throw upon the other the responsibility for beginning the war. In that both were right. The onus rested upon both. Spain was responsible for the conditions which provoked war, and the United States was responsible for acting upon that provocation.

With the detailed conduct of the war we shall not concern ourselves. Spain was from the beginning overwhelmed by the superior naval force of the United States; our actual superiority being greatly enhanced by the fact that the chief scene of war was just off our own coast, while Spain had to fight at a distance of three thousand miles. These circumstances were fortunate for the United States, for had the war been fought chiefly with armies instead of navies, and had its scene been as near to Spain's base of supplies as it was to ours, the result would probably have been far less easily attained. In a measure the circumstances of our War of 1812 with Great Britain were repeated. Our navy showed almost perfect preparedness and superb efficiency, while our army was found to be unprepared to a discreditable degree, and while there was no question of the valor of the officers and men, the military administration, particularly of the commissariat and sanitation, was scandalously bad. The men were fed on "embalmed" meat, and were herded in camps in which typhoid and other pestilences ran riot, until some of the officers rose in protest little short of mutiny. The conse-

quence was that the achievements of the army were effected at immeasurably greater cost than we should have suffered; while on the other hand the much greater deeds of the navy were performed with scarcely any loss at all.

The usual proclamations regarding the rules of war in respect to neutrals were made by the belligerents, and those regarding the maintenance of neutrality were made by the other powers of the world; and were faithfully observed. One very important addition to the practice of international law was made, in the adherence of both the belligerents to the Declaration of Paris, which neither of them had given before. It will be recalled that when that declaration was made the United States refused to become a party to it for the reason that it was unwilling to renounce the privilege of privateering, unless the other powers would make all noncontraband commerce at sea exempt from seizure, just as on land. That was a logical ground to take, and it was a ground which for the sake of self-protection the United States could not well avoid taking, with its then enormous commercial marine and small navy. But the European powers would not agree to the exemption of commerce from capture, and so the United States held aloof from the declaration; as did Spain. At the beginning of our Civil War the United States sought to enter the declaration, but the European powers would not then permit it to do so. Now, however, both the United States and Spain proclaimed their adherence to the four principles of that declaration, and in so doing were recognized by the other powers; with the result that the declaration was made almost universal international law. Spain, it is true, reserved the privilege of privateering, though only with armored cruisers of her navy. But even so she relinquished far more than the United States. We had already practically committed ourselves to the Declaration of Paris in numerous treaties, while Spain had not done so, and she might with perfectly good grace have sent a fleet of armed merchantmen privateers against our commerce. This action of the two belligerents was really one of the most important legal and diplomatic results of the war.

Considerations of neutrality were largely responsible for another result of the war, of supreme political importance; namely, our acquisition of the Philippine Islands. At the outbreak of

the war there was at Manila a numerous Spanish fleet, of unknown potency, which it was feared might prove disastrous to our very large Pacific commerce, if indeed it did not raid and ravage our undefended Pacific coast. There was also at Hongkong a much smaller, though, as the event showed, more efficient American squadron. Now under the law of neutrality our ships could not remain at Hongkong or at any neutral harbor, unless they were dismantled and interned until the end of the war. Of course such a disabling of them was not to be thought of. It would have been treason to American interests. The second course was for our ships to come home, to the California coast, where they could remain and where they could afford protection against any Spanish attack. But that would have been to abandon to Spanish ravages all our commerce with China, Japan, and the East Indies; which also would have been treason to American interests. The remaining third course was for our ships to leave neutral waters for those of the enemy, and to seek out the hostile fleet, and capture or destroy it. There was also another impelling, though not primary, reason for action; which we shall see hereafter.

It was under such compulsion, unsought but inevitable, that the American squadron left Hongkong, went to Manila, and on the morning of Sunday, May 1, without the loss of a single man, destroyed or captured every Spanish vessel. Having done that, it might have come home, its duty done, so far as the protection of American interests was concerned. But there was another duty, of compelling force. In thus disposing of the Spanish fleet we had practically destroyed the Spanish government in the Philippines, by depriving it of the only means by which it could make itself efficient. We had deprived the islands, therefore, of the only government they had, and we were in honor and humanity bound not to abandon them to chaos and anarchy, but to give them another government at least as good as that of which we had deprived them. For that reason our fleet remained at Manila, and an army was despatched thither to coöperate with it in completing the occupation of the city and the conquest and control of the islands.

The official attitude of the European powers toward the belligerents was, with perhaps a single exception, entirely correct.

Their sympathies were, with the exception of Great Britain, chiefly on the side of Spain, and it is possible that they even expected her to win the contest. But they generally maintained their neutrality in an admirable manner, and few causes of dispute between them and the belligerents occurred. The sole important exception to the rule occurred at Manila, after the destruction and capture of the Spanish fleet but before the arrival of the American army and the occupation of the city. The commander of some German warships there, Admiral von Diederichs, undertook to ignore and defy the authority of the American commander, Admiral Dewey, and repeatedly violated the rules of blockade which the latter had promulgated. Dewey was finally compelled not merely to protest in vigorous terms against the offensive conduct of the Germans, but to give orders that the next German vessel which broke the law should be fired upon with shot and shell; and also to send to Admiral von Diederichs the curt warning that if he wanted to fight, his desire could be gratified at any moment.

In grateful contrast to this was the conduct of the British commander, Admiral Chichester. He most scrupulously observed all of Dewey's rules and imparted to him the purport of certain confidential instructions which he had received from the Government at London. These instructions were known to only himself and Dewey, and have never been authoritatively disclosed. There are strong grounds for believing, however, that the orders were that, in case of a breach of the peace between the American and German vessels, Chichester should at once place the entire British force at the command and disposal of Admiral Dewey. No actual breach of peace occurred, though German discourtesies were continued for some time, and as a crowning bit of spitefulness the German admiral connived at the escape of the Spanish commandant from Manila before the surrender of that city, and gave him asylum on the German flagship.

The popular attitude of the European nations was much less restrained than that of the Governments. In Great Britain there was generally a cordial sympathy with the United States. In Germany, on the contrary, there was a savage hostility toward this country which has seldom been approximated to in modern history. The press teemed with denunciation and vilification

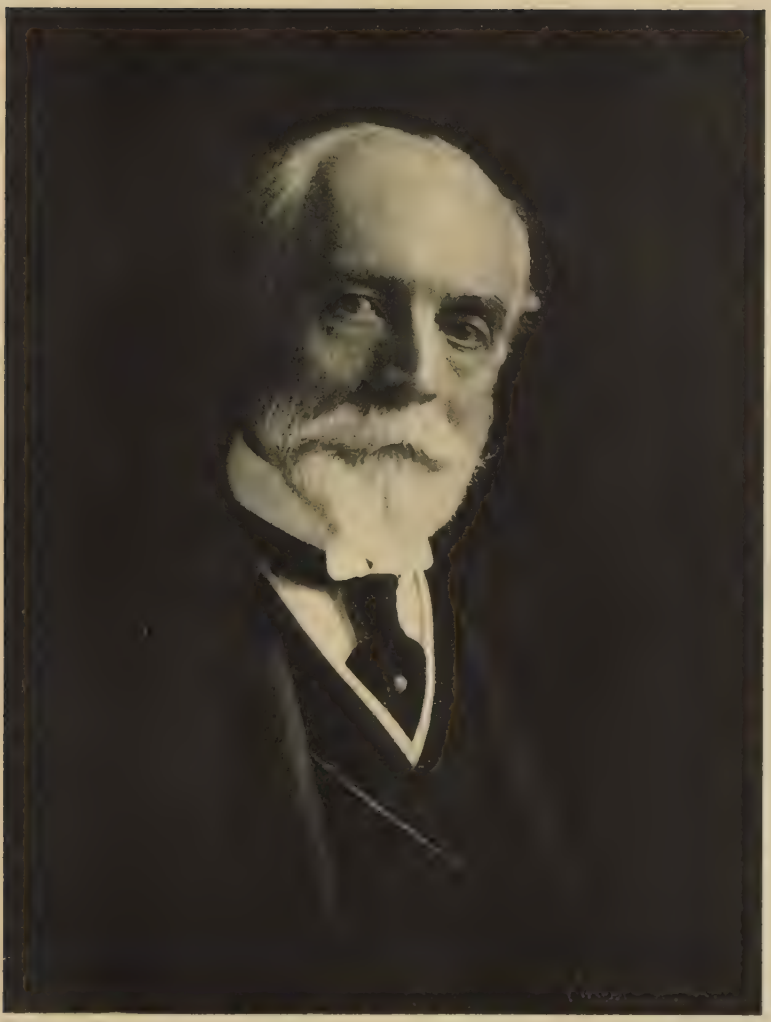
of this country, and with personal and national lampoons of almost inconceivable virulence and scurrility. In France and other continental countries there was only a little less resentment at what was regarded as the effrontery of the United States in daring to wage war against a European power. As the war proceeded, however, and the United States won victory after victory, this tone gradually changed to one of a grudging acceptance of the inevitable. The chief harm done was suffered by Spain herself, since she was encouraged by this display, not so much of sympathy with her as of animosity toward the United States, to hold out in a hopeless struggle much longer than she probably would otherwise have done.

On July 3 the American navy destroyed at Santiago, Cuba, the entire Spanish fleet in American waters, and on July 17 the Spanish garrison of Santiago surrendered that city to the American army. Meantime a strong expedition was on its way to the invasion of Porto Rico, and it landed in that island on July 25. As soon as the surrender of Santiago was reported, the Spanish government, on July 18, requested the French government, in whose hands it had placed its interests in the United States, to authorize its ambassador at Washington to seek terms of peace. That ambassador, Jules Cambon, accordingly, on July 26, presented to McKinley a note in which the Spanish government confessed the uselessness of its further resistance, and requested a statement of the terms upon which this country would be willing to make peace; intimating, however, that nothing more than the adjustment of affairs in Cuba should be involved.

The President made reply on July 30, in terms which were doubtless a most unpleasant surprise to Spain. He proposed that Spain should immediately evacuate Cuba and relinquish every vestige of her sovereignty over that island, leaving its permanent disposition to be determined by others; that she should cede to the United States the island of Porto Rico and one of the Ladrones, in the Pacific, in lieu of the usual cash war indemnity; and that she should assent to the occupation of the city, bay, and harbor of Manila by the United States until there should be concluded a treaty of peace which should determine the final disposition of the entire Philippine archipelago. The first of these proposals was not unexpected, and Spain was prepared to accede

to it with little demur, though she would greatly have preferred to cede Cuba to the United States. The second, relating to Porto Rico, was not expected, and was objected to strongly, though chiefly on sentimental grounds. Spain wanted to retain Porto Rico as "the last memory of a glorious past," and she preferred to pay a cash indemnity rather than give up that island. Such an indemnity, she suggested naïvely, should be paid by Cuba, since that island was to profit from the war; but if that could not be done, then Spain would seek to pay it herself in some way. As to the third proposal, concerning the Philippines, it could be accepted by Spain only on the understanding that her sovereignty over those islands was not to be impaired, and that she was to be required merely to make reforms in the government of the archipelago. She assumed this ground the more confidently for the reason that the United States forces had not yet captured the city of Manila, but had merely invested it by sea and land, and had, of course, destroyed the Spanish fleet.

It was on August 7 that the Spanish government drafted to this effect a reply to the President's proposals, and it was on August 10 that Cambon laid it personally before McKinley. The latter, one of the most amiable and most self-possessed of men, could not help displaying a degree of annoyance, and made it quite clear that his terms had not been framed as a mere basis of bargaining and haggling, but were practically an ultimatum, from which there could be no recession. Two days later the secretary of state, William R. Day, reëmbodied the President's proposals, with some pertinent additions, in a formal protocol, which on that same day, August 12, was signed by him and by Cambon on behalf of Spain. This protocol repeated McKinley's three proposals without the slightest change, and added three more: That hostilities should be at once suspended on both sides; that commissioners should be appointed within ten days, and should meet within thirty days, to arrange for the immediate evacuation of all her holdings in the West Indies by Spain; and that each country should appoint not more than five commissioners, to meet in Paris not later than October 1, to frame a permanent treaty of peace. The selection of Paris as the meeting place was intended by the United States as a compliment to the French government for the finely neutral and benevolent course which



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WHITELAW REID

it had pursued, and it was regarded with much satisfaction by Spain, as assuring the conduct of the negotiations in the most favorable circumstances.

At an early date after the signing of this protocol the President appointed five American peace commissioners, his selections being heartily approved by the nation. They were: William R. Day, secretary of state; William P. Frye, senator from Maine and president *pro tempore* of the Senate; Cushman K. Davis, senator from Minnesota and chairman of the committee on foreign relations; George Gray, senator from Delaware and the foremost member of the Democratic minority in that body; and Whitelaw Reid, editor of "The New York Tribune" and formerly minister to France and special ambassador to Great Britain. The secretary was John Bassett Moore, assistant secretary of state. The Spanish government appointed a comparably distinguished and appropriate commission, its members being: Eugenio Montero Rios, president of the Senate of Spain; Buenaventura de Abarzuza, senator and formerly a minister of the crown; José de Garnica, deputy to the Cortes and associate justice of the Supreme Court; Wenceslao Ramirez de Villa Urrutia, minister at Brussels; and Rafael Cerero, general of division.

These commissioners were most hospitably received and entertained by the French government, and they held their first meeting on October 1. Immediately a demand was made by the Spanish members for a restoration of the *status quo ante* August 12 in the Philippines; for Manila had been taken by the Americans on the day following the signing of the protocol, and of course some other military operations had been necessary. This demand was refused by the Americans, on the ground that the operations had merely established that American occupation and control which had been contemplated and provided for in the protocol, and which had been fully discussed and agreed upon by the French ambassador and the secretary of state at Washington; for which latter reason the commission did not consider itself competent to reopen the matter. The Spanish commissioners did not agree with this view, but consented to waive the point for the time, reserving the right to raise it again.

Next came the question of Cuba. The Spaniards strove ear-

nestly and persistently to get the Americans to accept cession of the island, instead of a mere relinquishment of Spanish sovereignty; the feeling being that such an arrangement would be less humiliating to Spain than the erection of an independent Cuban republic; and also that it would give better assurance of protection to the many Spanish subjects who were in and were likely to remain in that island. The American commissioners were bound, however, by their instructions, which in this particular were based upon the act of Congress declaring that the United States would not take Cuba for its own but would leave that island to the government of its own people. The Spaniards also asked that the heavy public debt which Spain had contracted on account of Cuba, largely to pay the costs of suppressing Cuban insurrections, should remain as a charge against that island. This the Americans also refused, holding that it would be a monstrous anomaly to compel a people to pay the costs of their own subjugation. After a month of debate, therefore, the first article of the treaty was adopted as dictated by the Americans. Spain relinquished all claim of sovereignty over and title to Cuba, and the United States undertook to be responsible for all obligations under international law for the protection of life and property so long as the temporary American occupation of the island should last. The second article was then soon adopted, ceding to the United States the island of Porto Rico and the other Spanish possessions—a few tiny islets—in the West Indies, and the island of Guam in the Ladrones or Marianas.

The crux of the whole negotiations arose at the end of October, in the question of the Philippines. Upon this question the President had not given positive instructions to the commissioners, for the reason that his own mind had not then been fully made up concerning it; and, indeed, information regarding the islands had at that date been so scanty as to deter most members of the American government from forming positive opinions as to the best course to be pursued. The five American commissioners were much divided in opinion. Two of them, Day and Gray, were opposed to American acquisition of any part of the Philippines, and favored entire withdrawal from the islands. Two, Frye and Davis, favored retaining some foothold in the islands; Frye inclining toward annexation of perhaps all excepting the

Mohammedan part of the archipelago, while Davis might have been content with the single island of Luzon, the largest and most important of all. The fifth member, Reid, was from the first, as he had indeed informed McKinley before going to Paris, unhesitatingly and resolutely in favor of taking and keeping the entire archipelago.

It was, of course, essential that the commissioners should agree among themselves and thus be enabled to present a united front to their Spanish antagonists. To that end, concurrently with the negotiations over Cuba, they conducted a searching inquest into the condition of the islands, the wishes of the people, and the judgment of the best-informed persons. General Merritt, commanding the American army at Manila, and other army and navy officers, consuls, travelers, scientists, and other competent authorities, American, European, and Filipino, were invited to appear before the commissioners and tell what they knew and what they thought concerning the islands. The result was a complete and overwhelming confirmation of the views and policy of Whitelaw Reid; to the effect that the Philippines were highly valuable and well worth acquiring; that they were altogether unprepared for independence and incapable of maintaining it if it were thrust upon them; that American withdrawal would mean a speedy lapse into anarchy or else conquest by some other power; that divided ownership of the group would expose us to incessant and serious danger of friction and embroilment; and that, therefore, the safe and sane, the just and reasonable, course was for the United States to insist upon the cession of the entire archipelago to it, by right of conquest. It may be added that the great majority of intelligent and substantial natives of the islands were represented to be and doubtless were in favor of the establishment of American sovereignty over the islands.

This was the logic of the case: The United States had destroyed the Spanish government, which was the only government the islands had had for centuries, and it was under moral compulsion to replace it with another at least as good. Such a government must be one of four: Spanish, alien, native, or American. The first was inadmissible; for, having gone to war to rid one island of Spanish misgovernment, it would be self-stultifying to force other islands back under that same misgovernment.

The second was objectionable; for we had no moral right to force the islands under the rule of some third government, and we should be quite unable to guarantee that such a government would be as good as we were bound to provide. The third was ruled out by the weight of evidence as to the inability of the islands to govern themselves. There had been no serious and general attempt to establish a native insular government, as there had been in Cuba. There was no homogeneity, in race, speech, or creed; but, on the contrary, there were not only marked diversities but also implacable antagonisms and enmities among the various peoples. Relinquishment of the islands to self-control would thus certainly mean intertribal wars and chaos. There remained, therefore, only the fourth proposal for government; namely, that the United States should bravely and loyally accept the burden which had been thrust upon it, unsought, by the exigencies of war, and should itself undertake the government of the islands, not for its own selfish advantage but for the benefit of the people who had thus become the wards of the American nation.

Upon this course the American commissioners resolutely insisted, with the full sanction and support of the Government at Washington; and to it the Spanish commissioners, with the similar backing of their Government, presented an equally resolute opposition. Upon grounds of sentiment and patriotism their opposition was understandable, natural, and even commendable. But the grounds of fact and logic upon which they based it were untenable. They declared that such a surrender of the Philippines had not been contemplated in the making of the peace protocol. On the contrary, they said, the French ambassador, who acted for Spain in those negotiations, had been expressly instructed to reserve Spanish sovereignty over the islands, and to that the United States government had made no objection; wherefore Spain had a right to assume that it assented to it. The facts were, however, that while the French ambassador did ask to have Spanish sovereignty reserved, the United States government explicitly refused it, but remitted that matter to be disposed of in the final peace treaty-making; and that accordingly the terms of the protocol gave no hint of the reservation of Spanish sovereignty.

It was also argued that the mere seizure of Manila had given the United States no ultimate rights in the Philippines, save by the consent of Spain and upon Spain's own terms. But this was fallacious. The American commissioners convincingly replied that the right based upon conquest was primary, fundamental, and indisputable. The United States had taken the islands by taking their capital and expelling all Spanish authority, and they had a right to keep them. If that right needed reënforcement through formal cession by treaty, it was for the conquering and not the conquered power to dictate the terms. That American attitude was in accord with the immemorial practice of European powers, and of none more than of Spain herself.

The final resort of the Spanish commissioners was to request that the interpretation of the protocol on this point be submitted to arbitration. It was supposed that America was so committed to the principle of arbitration that she could not consistently refuse this. But the commissioners did refuse it, on the ground that arbitration should have preceded the war, to avert its horrors, and not come after it in an attempt of the beaten power to escape its inevitable consequences.

Acting upon the reasonable principle that it was the prerogative of the victorious power to take the initiative in prescribing terms of settlement, the American commissioners on November 21 presented a proposal that Spain should cede the entire Philippine Archipelago outright to the United States; that each country should relinquish all claims against the other on account of public or private losses through the insurrection in Cuba; that for ten years after the signing of the treaty Spanish ships and merchandise should be admitted to the Philippines on equal terms with American; and that the United States should pay to Spain $20,000,000 as remuneration not for the islands but for permanent works and betterments bestowed upon them. This was in effect, if not in terms, an ultimatum. It expressed the irreducible minimum of American concessions. It was for the Spaniards to accept or to reject it; assured that the Americans would not modify the terms, but, if they were rejected, would proceed by force to work their will upon the islands. For nearly three weeks the Spanish commissioners and Government demurred, and what seemed like a hopeless deadlock prevailed.

Some of the American commissioners despaired of making a treaty. But at last, on December 10, the Spaniards yielded and the treaty was signed. The Americans hastened home for their Christmas festivities, and were able on Christmas eve to place the signed treaty in the hands of the President. Congress was then absent on its holiday recess, but on its reassembling, on January 4, the treaty was laid before the Senate. There was much discussion of it, but on February 6 it was ratified, and the President signed the act of ratification on February 10. The Spanish queen-regent signed the treaty on March 17, and ratifications were exchanged at Washington on April 11.

The Spanish government complained that the terms of the treaty were harsh and ungenerous, and in that professed opinion various other European nations joined. The hollowness of the complaint appears, however, when the terms in question are compared with those which some of the very powers which made it have imposed upon their fellows. The terms seem moderate and generous, when we consider the history of Cuban affairs and review the annoyance and losses to which the United States was subjected during many years. They find their chief justification in their necessity for the making of a complete and permanent settlement of the long-vexed issues. To have left Spain in possession of Porto Rico, for example, would have been to entail the practical certainty of the renewal of the Cuban troubles on a smaller scale. The course adopted by the United States was the only one that would preclude all possibility of further friction between this country and Spain over any possessions of the latter in this hemisphere. The real animus of the complaints and denunciations, however, both in Spain and in the other countries, was doubtless in resentment at what was regarded as the presumption of America in thus dictating terms to Europe. It was, for that very reason, a wholesome thing thus to have the American policy prevail. For practically the first time in history both in war and in diplomacy this country demonstrated its full equality with even the oldest and proudest of European monarchies. There can be no question that as a result of that treaty-making the United States came to be more seriously regarded by the rest of the world, and to be invested with far more authority in the councils of the nations. Its diplo-

matic gain was at least commensurate with its gain in territory, population, and the potentialities of commercial expansion.

There came upon this country, too, enormously increased responsibilities in various directions. The new colonial possessions of the United States had to be restored to order and rehabilitated in industry and governmental administration, and a similar work had to be done for the protectorate of Cuba. Diplomatic and consular relations with Spain were reëstablished in 1899, and there soon was developed a stronger degree of friendship between the two lately warring powers than had been known for years before. The United States was thus again at peace with all the world; as it needed to be while it was dealing with the grave problems which the war had entailed upon it.

One of the gravest of these was the Philippine insurrection. That, however, was chiefly domestic and affected our foreign relations but little, save as the lawful interests of foreigners in those islands had to be safeguarded. The insurrection was really started before the end of the Spanish war, by Emilio Aguinaldo, an ambitious but vain and superficial young native Tagalog of Luzon. He had been the leader of a rebellion against the Spanish government in the islands, but in consideration of the payment of a huge sum of money had abandoned that movement and agreed to leave the islands. Upon the advent of Admiral Dewey in those waters he promptly repudiated his agreement with Spain and proceeded from Singapore to Hongkong and thence to Manila, hanging upon the skirts of the American expedition. Dewey made no compact with him and made no promises to him, but permitted him to land and organize a force of Filipinos, to give our troops what aid they could. Aguinaldo thereupon formed what he called a Filipino government, and sought to make an agreement with Dewey under which he and his comrades would be recognized as the "Filipino Republic." Dewey, however, uniformly and explicitly declined to give him any such recognition, and the same wise policy was pursued by General Merritt, under instructions from Washington, when he went thither to take command of the land forces. This caused Aguinaldo much disappointment and resentment, and on more than one occasion he and his followers seemed upon the point of attacking the Americans. An open

breach was, however, avoided until the night of February 4, 1899. Then, realizing that under the treaty of peace with Spain the United States had taken the islands as its own and had no thought of surrendering them, an open and violent revolt was begun. This led to a long and costly war, which was marked with much savagery. Aguinaldo was captured in February, 1901, and a little more than a year later the last organized band of insurgents surrendered.

Of much more direct pertinence to our foreign relations, as affecting immigration and commerce in our colonial possessions, was the question of the constitutional status of the islands; to wit, whether or not through annexation they were, *ipso facto*, brought under the Constitution of the United States. It was a strange and discreditable thing that the question should have been raised at all, since it had been amply settled and disposed of for all time many years before. At the time of the Louisiana purchase, at the time of the admission of the Territory of Orleans into the Union as the State of Louisiana, at the time of the annexation of Florida, and on various other occasions, by treaty, by legislation, by administrative acts, and by judicial decisions, it had been made clear beyond the shadow of a doubt that the Constitution did not apply to any place outside of the Federal district and the States actually forming members of the Federal Union, unless and until it was specifically extended thereto by act of Congress; and excepting the Thirteenth Amendment, which by its own special terms applied not only to the United States but also to all places under their jurisdiction. The President and his administration, of course, adopted this logical and long-confirmed view of the case. But faction arose again, with a virulence which had been unknown since the days of Jefferson, and inspired repeated attacks upon the policy of the administration. Appeal to the courts, however, vindicated that policy and once more confirmed the principle that the Constitution, being by its own terms "for the United States of America," did not apply to anything beyond those States until it was specially and specifically extended thither. This decision was not, it is true, made as plain and emphatic as might have been desired. In one case four justices of the Supreme Court held that the Constitution did not and four others

held that it did apply to outlying possessions without special act of Congress, while the ninth justice agreed with the first four, that the Constitution did not apply, but based his opinion on a different ground and one which all eight of his colleagues repudiated! The practical result was, however, as already stated, and Congress accordingly took action to extend the provisions of the Constitution to the colonies to such a degree as seemed expedient. This, of course, facilitated the adjustment of commercial and other relations with foreign nations.

While matters relating to Porto Rico, Hawaii, and the Philippines were thus disposed of, a different set of problems arose in Cuba. In the act of declaring war against Spain, our Government had pledged itself not to annex Cuba but to surrender that island, in due time, to the government of its own people. It accordingly addressed itself to the task of preparing that island for self-government. On January 1, 1899, the United States took formal possession, and, on February 6 following, the last representative of Spanish authority left the island. During the period from May to September the native Cuban army was disbanded, its 30,000 members receiving from the United States the sum of $2,600,000 as payment for their services. General Brooke, the first United States military governor of the island, had a census taken, the police force reorganized, the judicial system reformed, the school system greatly enlarged and improved, and a comprehensive system of sanitation undertaken for the suppression of yellow fever, malaria, and the other plagues which had scourged the island. This work was carried to completion with distinguished success under the administration of his successor, General Wood.

In the course of a year and a half of American administration so much progress was made toward fitness for autonomy that on July 31, 1900, the United States war department issued an order for general elections in Cuba for members of a constitutional convention, which should draft and adopt a fundamental law for the new republic. This election took place on September 15, and the convention soon thereafter met and began its labors. The American order for the election and meeting of the convention did not provide for the submission of the resulting instrument to popular vote for ratification, but made the

convention itself the final authority. It did, however, stipulate that the convention, as a part of the constitution, should "provide for and agree with the Government of the United States upon the relations to exist between that Government and the Government of Cuba." In opening the sessions of the convention, on November 5, General Wood announced a slight modification of this order. The convention, he said, should first prepare the constitution, and then, in a supplementary instrument, fix the terms of Cuba's relations with the United States. The work of constitution-making then proceeded expeditiously, and on February 21, 1901, the completed instrument was adopted and signed by the members of the convention.

Then came the tug of war. General Wood communicated to the convention the five principles of relationship with the United States which our Government desired—indeed, demanded—that it should adopt. One was, that the Cuban government should never make any treaty with any power impairing the independence of the island or alienating, save to the United States, any part of it. The second was, that it should never contract any public debt in excess of its power to pay out of the ordinary revenues of the island. The third was, that the United States should have authority to intervene, if necessary, for the protection of Cuban independence, the maintenance of constitutional government, and the fulfilment of Cuba's international obligations such as were imposed upon the United States by the treaty of Paris. The fourth was, that the acts of the American government in Cuba during the military occupation should be approved and validated. The fifth was, that room for naval stations should be granted to the United States in Cuba. These provisions were embodied, in detail, in what was known, from the name of its author, as the Platt Amendment, which was added by Senator Orville H. Platt, of Connecticut, to the Military Appropriation Bill, which was passed by the Senate on February 27 and by the House of Representatives on March 1, and became law on March 2, 1901.

To these demands there was much demur on the part of Cubans, in which they were strongly supported by a considerable anti-administration faction in the United States. The first and fourth of the demands were acceptable, but the others were in-

terpreted as an impairment of the independence and sovereignty of Cuba. It was explained by General Wood, with the authority of Elihu Root, secretary of war, that the third clause, to which most objection was made, did not contemplate any meddling by the United States in the legitimate affairs and authority of the Cuban government, but simply such formal action as might in an emergency be necessary to save the island from disorder. This did not satisfy the Cuban convention, and accordingly on April 13 it appointed a committee of five members to proceed to Washington to confer with President McKinley on the subject. Acting upon the basis of the report which was made by that committee upon its return to Havana, the convention on May 26, by the minimum margin of a single vote—15 to 14—agreed to the Platt Amendment, though with the addition of some explanatory notes expressing the Cuban conception of its meaning.

These notes amounted to a very decided modification of the plain intent of the Platt Amendment. They were, in brief, to the effect that the United States naval stations in Cuba should never be used as vantage points for intervention in Cuba, but solely for defense against foreign aggression; that intervention in Cuba should not be made without the "formal action of the United States"; that Cuba should be free to make any political and mercantile treaties, so long as they did not amount to alliances impairing her independence; that Cuba need not necessarily maintain the system of sanitation already established by the United States, but merely such a system as might thereafter be mutually agreed upon; and that, in the opinion of Cuba, the Isle of Pines belonged to that republic. All this was unsatisfactory and unacceptable to the United States, and the Cuban convention was promptly so informed. It was explained that the Platt Amendment was an Act of Congress, which the executive branch of the Government could not modify in any way, but which it must enforce just as it stood. Accordingly, on June 12 the convention by a vote of 16 to 11 added to the constitution of the Cuban Republic "the full text of the Platt Amendment without any change or qualification whatever."

The logic of this imposition of American conditions upon Cuba was perfectly simple. For many years this country had exercised a virtual protectorate over Cuba as a Spanish province, in

the interest of Spain; and it was only reasonable that it should continue the same degree of protection over it as an autonomous republic. It had assumed and maintained that attitude, of course, for the sake of our own welfare; and that welfare demanded that the same attitude should be continued. It had, finally, fought a costly war for the sake of giving Cuba good government; and it would have been incredibly and unpardonably foolish if it had failed to safeguard the results of that war against impairment or relapse. It was an act of gratuitous generosity on the part of this country, any way, that it adopted that pledge of self-abnegation and refrained from taking Cuba as the spoils of war, as any other nation would have done. Once taken, that pledge had to be fulfiled, as it was. But fulfilment of it did not mean abandonment of our long-established policy and reversal of a fundamental principle of the nation.

With the constitution thus completed and adopted, Cuba proceeded with the organization of the insular government. A general election was held on December 31, 1901, for presidential and senatorial electors, members of a House of Representatives, governors of provinces, and members of municipal councils. There were two candidates for the presidency, both of whom had been conspicuous in the revolution. These were Tomas Estrada Palma, a scholar and statesman, and Bartolomeo Maso, one of the ablest general officers of the Cuban army. Electors favorable to the former were supported by the great majority of property owners and substantial business men, and by those inclined toward acceptance of American tutelage. The partizans of Maso included extremists of all classes, opponents of American influence, and a majority of the Negro race, to which Maso himself belonged. The result was the election of an overwhelming majority of electors favorable to Palma. The electors cast their votes and Palma was chosen president on February 24, 1902; the insular Congress met on May 5, and on May 20 the constitution was officially promulgated and the government of the island was formally transferred from American to Cuban hands.

Meantime a bill was introduced into the Congress of the United States for reducing the tariff on sugar and tobacco imported into this country from Cuba. Such a measure was necessary for the prosperity of that island, and had been strongly

favored by President McKinley at the time of our intervention. Years before, while Cuba was still a Spanish province, such reduced duties had been granted under a reciprocity treaty, and the island had then enjoyed great prosperity. Indeed, the final revolution had largely been provoked partly by the resentment which was felt at the business depression which followed withdrawal of the reciprocity arrangement, and partly by the hope and confident expectation that under independence perpetual reciprocity with this country would be enjoyed. In the United States, however, violent and persistent hostility to any such arrangement was manifested. This arose chiefly from two classes, those who were interested in the beet sugar industry here, and those who wanted to annex Cuba outright to the United States and who thought to drive Cuba into consenting to annexation by denying her reciprocity and thus dooming her to adversity and business depression. The President, Theodore Roosevelt, strongly urged the reduction, but in vain. His special message to Congress on the subject was all but ignored. A weak measure authorizing the establishment of a modified reciprocity system was passed by the House, but the Senate put it into a pigeon hole. At midsummer of 1902 it was announced that the President would negotiate a reciprocity treaty with Cuba and submit it to the Senate for ratification at the next session. This was done, and at the beginning of 1903 the measure was laid before the Senate. It provided for a 20 per cent. reduction of duties on all Cuban products except tobacco imported into the United States, and from 20 to 40 per cent. reduction on all United States goods imported into Cuba.

Bitter opposition was continued against this, and the Senate refused to act upon the treaty at all in that session. It adjourned without action on March 4, 1903, and the next day was called together by the President in special session, expressly to deal with this question. A fortnight later the treaty was ratified, but with some amendments and with the extraordinary provision that it should not become operative until it had been approved also by the House of Representatives. This provision was adopted by the Senate, not because it wanted to make the House, contrary to the Constitution, a part of the treaty-making power, but rather for the sake of delaying the matter as long as

possible; for the House was not then in session and would not be, unless specially summoned, until the next fall. As a result of this delay, Cuba suffered great business depression, discontent and sedition arose—which was precisely what many of the American opponents of the treaty wanted—and affairs became so gravely menacing that the President on November 9 called the House of Representatives as well as the Senate together in special session, and sent in a message vigorously urging the immediate approval of the treaty. Ten days later it was approved by the House, by a vote of 335 to 21. The Senate, although it had passed the treaty in March, was now called upon to do so again, but resisted and delayed in every possible way until December 16, when at last it grudgingly approved it.

Although the Platt Amendment had been enacted by our Congress, and had been added to the Cuban constitution, it was still necessary, according to its own terms, for it to be incorporated in a treaty between the two governments. Such a treaty was concluded on May 22, 1903, and ratifications of it were exchanged on July 1, 1904. Meantime, under the provisions of the amendment, the United States had already leased from the Cuban government suitable areas for naval stations at Bahia Honda, on the northwestern coast of Cuba, and at Guantanamo, on the southeastern coast. These locations were selected with a view, not so much to using them as bases from which to intervene in Cuban affairs, as some Cubans had feared, as to their utility for general strategic purposes in the Gulf of Mexico and the Caribbean Sea, especially with reference to the protection of Porto Rico and the Isthmian Canal, upon which latter enterprise the Government was already intent.

Under the conditions which were thus established, Cuba enjoyed a fine measure of material prosperity, and for a short time seemed to be securely started upon an autonomous career. But it was not long before the effects of years of revolutionary disturbances and lack of experience in or even appreciation of self-government made themselves painfully and ominously apparent. The congress refused to enact essential laws. The general good was lost sight of in the indulgence of factional animosities and sordid ambitions. There is reason for believing that the situation was aggravated by the insidious machinations of Americans,

who conceived it to be to their potential advantage to defeat the experiment of self-government in Cuba and to force American intervention and ultimate annexation. In 1906 Estrada Palma was reëlected president of Cuba, and a little later, in August of that year, pretending that his election had been dishonestly effected, the abhorrent influences already described brought about a rebellion against his government. On September 8 the situation had become so serious that President Palma asked for American help, and in consequence President Roosevelt was constrained to send the secretary of war, William H. Taft, and the assistant secretary of state, Robert Bacon, to Havana as peacemakers. This was not yet intervention and it was hoped that that extreme step could be avoided. "Our intervention will only come," wrote Roosevelt to the Cuban minister to the United States, Gonzalo de Quesada, "if Cuba herself shows that she has fallen into the insurrectionary habit, that she lacks the self-restraint necessary to secure peaceful self-government, and that her contending factions have plunged the country into anarchy."

The mission of Messrs. Taft and Bacon proved unavailing. Estrada Palma resigned the presidency in despair. When the time set for the assembling of the Cuban congress arrived, members of that body refused to meet in sufficient numbers to form a quorum. Thus the island was left without a government. In this crisis, Taft at once, on September 29, assumed control and proclaimed the establishment of a provisional American government for the maintenance of order and the protection of life and property; as authorized by the Platt Amendment. In his proclamation he said: "The provisional government will be maintained only long enough to restore order, peace, and public confidence, and then to hold such elections as may be necessary to determine on those persons upon whom the permanent government of the republic should devolve." A body of American troops was sent to the island. Taft remained there as provisional governor until October 3, when he was succeeded by Charles E. Magoon. The latter had had much invaluable experience at Panama, as governor of the Canal Zone and as minister to Panama, and was admirably fitted to deal with the trying problems which confronted him in Cuba. He addressed himself to the task with diplomatic discretion but also with energy and reso-

lution. First of all a census was taken, as a necessary preliminary to the holding of a fair election. An advisory commission, composed of three Americans, four Cuban Conservatives and four Cuban Liberals, under Magoon's direction drafted an electoral law, a municipal law, a judicial law, and a civil service law. These were imperatively needed for the very foundations of government in the island, but they were laws which the Cuban Congress had stubbornly refused to enact.

With these preparations, elections were held on August 1 and November 14, 1908, in an orderly fashion, and were participated in, the former by about 60 and the latter by nearly 80 per cent. of the registered voters. General José Miguel Gomez was chosen president. These results being satisfactory, and the island having become thoroughly pacified, withdrawal of the American troops was begun on January 1, 1909. The Cuban Congress assembled on January 23 and went to work in a businesslike and patriotic manner, evidently having learned and profited from the severe lessons of the preceding two years; and on January 28 Mr. Magoon formally turned over the government of the island to President Gomez and his associates, and the second American occupation of Cuba was ended.

The question of the status of the Isle of Pines has not been definitively answered, but the island is left in the possession of Cuba, where it properly belongs. A decision of the Supreme Court of the United States has declared that, in the matter of customs duties, it must be treated as a part of the Republic of Cuba. A treaty making the same declaration was negotiated in 1908, but failed of ratification by the United States Senate. But subsequent efforts by American speculators to have the island seized and annexed by this country have been ignored by the Government, and the progress of time makes the success of any such scheme increasingly improbable.

XXXIII

LATER RELATIONS WITH THE FAR EAST

DURING the period of the Spanish war, American interests in China were gravely impaired and American treaty rights were flouted by various European powers, which seized with avidity upon the opportunity which they thought was then presented to them to get rid of the feared and hated American commercial rivalry in China and to partition that vast and opulent empire among themselves. The leaders in this movement were Germany and Russia. They had in 1895 been foremost in intervening to deny to Japan the legitimate fruits of her victory over China, and now, in 1897, their real purpose in doing so was disclosed. Japan had aimed to break down the exclusive policy of China and to open that empire more freely to the trade and travel of the world; seeking for herself, however, no special privileges, but guaranteeing equal rights and opportunities to all nations. For herself she would take only a limited piece of Chinese territory, and it she would open to all. The European powers exactly reversed that policy. They seized upon pieces of China for their own, in which they would have exclusive rights over all other nations, and they dictated treaties and concessions under which a great part of the Chinese Empire would be closed more strictly than ever before against all nations but themselves.

Germany led the way. A couple of German missionaries had been killed in China, and reparation was not forthcoming as promptly as was demanded. The German emperor thereupon made a flamboyant and melodramatic speech, practically proclaiming a "holy war" against China, and despatched a naval and military expedition, under the command of his brother, Prince Henry of Prussia, on an errand of vengeance and spoliation. This expedition in November, 1897, seized the city and port of Kiao-chau and the surrounding territory, and dictated

a treaty, which the Chinese government was not strong enough to refuse, under which Kiao-chau was "leased" to Germany for ninety-nine years and German influence was made paramount, with special and exclusive privileges over all other nations, throughout most of the province of Shantung. Following closely upon these acts, at a distance of only a few days, Russia sent a fleet to Port Arthur, took possession of that place, and dictated a "lease" of it and of the Regent's Sword peninsula, under which that region would become her own to the exclusion of all others powers, and she would thus dominate the whole of Manchuria. Thus two of the most important provinces of China, in which American commercial interests were particularly great, and which commanded respectively the southern and northern shores of the Gulf of Pe-Chi-li and the approaches to the Chinese imperial capital, were practically annexed by these two powers, American treaty rights in them were annulled, and any further American commerce with them was practically prohibited.

A little later, in 1898, Great Britain seized and "leased" the port of Wei-hai-wei, on the Shantung Peninsula, and Mirs Bay, at Hongkong, and France took similar action at Kwang-chau, in southeastern China. In addition to these operations, vast concessions for railroad building, opening of mines, establishment of industries, etc., were exacted by the European powers from China, covering the most important parts of the empire and threatening the complete exclusion of the United States therefrom. All these things were in flagrant violation not only of the moral principles which the powers had professed to uphold in China but equally of the legal rights of the United States under the "most favored nation" clause of existing treaties. Just as Napoleon III had sought the conquest of Mexico while the United States was engaged in the Civil War, so this attempt at the partition of China to the prejudice and sacrifice of American rights was shrewdly made at the time when this country was obviously about to enter upon a war with Spain which would engage the entire attention of its navy for an indefinite period, and it was pushed to its fullest extent while we were actually involved in that struggle.

Had the hands of the United States been free, some action

would probably have been taken for the protection of American rights in China. It is scarcely supposable that this country would itself have seized or "leased" any Chinese territory, to counterbalance the aggressions of the European powers; which would have been a radical and mischievous departure from its established policy. With its very efficient fleet free for service in those waters, however, it would probably have been able to make an effective diplomatic protest against what was being done. With its fleet busily occupied in the Gulf and the Caribbean, it could do nothing, since it would have been worse than useless to make a protest which it could not support with material means. But through the irony of fate the very circumstance which the European powers thought was hopelessly handicaping the United States and excluding it from participation in eastern Asian affairs, brought this country into most direct and masterful contact with those affairs and invested it with an authority and an influence in China which it had never before possessed.

The powers had forgotten the Philippines; or had fatuously imagined that the United States would not venture upon the conquest of them. But that conquest was, in fact, the first important achievement of the United States in that war. We have already mentioned the primary reasons which constrained this country to send a fleet to Manila. There was another, to which reference was made in the preceding chapter, which belongs with this part of the narrative. That was, as an offset to the European spoliation of China, and for the sake of giving the United States a point of vantage from which it could readily safeguard its treaty rights in China and which would enable it to say that it, too, was a great Asian power and was therefore entitled to an equal place in all international councils in the Far East. This thought was second to no other in the mind of McKinley, when he decided upon the Philippine campaign. America at Manila was to be a counterpoise to Germany at Kiao-chau, Russia at Port Arthur, England at Wei-hai-wei, and France at Kwang-chau. It was not merely the conquest of the Philippines for which Dewey was sent to Manila on May day, 1898. It was for the opening and fastening open of the international door of equal rights and equal opportunities throughout the Chinese Empire.

This circumstance explains additionally the paroxysms of anti-

American furor which in the summer of 1898 convulsed Germany and to some extent affected other European nations. It was realized that the Spanish war was bringing America into eastern Asia instead of excluding her from it, and that this country would have to be strenuously reckoned with before the spoliation of China could be effected. That was why the German fleet was sent to Manila to hamper American operations, to aid the Spanish, and if possible to compel American withdrawal. But those efforts failed because Germany found it impossible to enlist the active support of any other power against us, while the strongest of all the powers showed an unmistakable inclination to support us. France remained finely neutral. Russia contented herself with entrenching herself as strongly as possible in Manchuria. Great Britain had long been at least nominally committed to the same policy in China that the United States favored, and had departed from it only through supposed necessity when the others violated it, and she welcomed the opportunity of coöperating with this country in China again, as in the days when "blood was thicker than water." Thus left alone, Germany was powerless to obstruct American progress in the Far East.

The close of the Spanish war, then, placed America in possession of a commanding physical and moral position in the Far East. It set the highly competent American navy free to cooperate with American diplomacy. Most important of all, perhaps, it found the office of secretary of state at Washington filled by one of the ablest men who ever occupied it. John Hay, then at the meridian height of his splendid powers, was one of the most expert and accomplished diplomats of his time, and without being bumptiously conceited or arrogantly offensive to other powers was one of the most resolute, uncompromising, and aggressive champions of American rights and interests against all the rest of the world. He seemed in an extraordinary measure to combine within himself the penetrating vision of Jay, the inflexible will of the younger Adams, the suavity and tact of Gallatin, and the intense patriotism of Webster. It was above all other circumstances his presence in the state department that saved the situation for America and for China—indeed, for the equitable rights of all nations.

In the spring of 1899 Great Britain and Russia partitioned the

commercial and industrial interests of the Chinese Empire between them, the former taking all south of and the latter all north of the Great Wall. Hay's answering stroke was prompt and effective. On September 6 of that year he addressed notes to the Governments of Great Britain, Russia, and Germany, and a little later to those also of France, Italy, and Japan, inviting them to give their formal adherence to an international agreement for the maintenance of the "open door" in China. No matter what "sphere of influence" any power claimed, it was not to interfere with any treaty port or vested interest of other powers therein; the Chinese tariff was to continue in force and to be administered by Chinese officials; and there was to be no discrimination against any nation or in favor of any nation in port dues or railroad rates. These were his proposals. The British government, to which Hay had formerly been American ambassador and to which he was *persona grata* to an exceptional degree, promptly accepted and approved the scheme. The others, with one accord, began to make excuses. They were all theoretically in accord with Hay's enlightened principles, but they were all practically averse to committing themselves to their maintenance. The man who was for the law but against its enforcement is an historic and a multitudinous character!

John Hay was, however, at once too subtle and too direct a diplomat to be defeated by such evasions of the issue. In the manner of the greatest of his predecessors, he accepted the spirit and ignored the letter of the powers' replies to his note. With a hand of steel in a glove of velvet he penned a reply which must have caused the chancelleries to realize that they had met some one more than their master. He told them that in view of their favorable expressions toward the principles which he had proposed, the United States would consider their acceptance of those principles as "final and definitive"! The powers thereupon declared their readiness to sign the proposed agreement, and the brilliant diplomatic victory of the United States was achieved. It should be added that in this America had the cordial support and coöperation of Great Britain. In advance of Hay's note on the open door, indeed, Lord Charles Beresford had been publicly urging in England, with much popular approval, that that country should join with the United States and some others in

guaranteeing very much such an arrangement as that of Hay's, and it is quite supposable that the British government would have undertaken such a work had not the complications of European politics made it seem inexpedient.

All these things, particularly the aggressions of the European powers, had their effect upon the Chinese popular mind and, to some extent, also upon the official mind, in engendering suspicion, distrust, and intense animosity toward foreigners; and the announcement of the Anglo-American policy of the open door and maintenance of territorial integrity came too late to allay the rising storm. A widespread insurrection against all foreigners and against the Chinese government so far as it protected them arose, led by athletic clubs known as Boxers. Led by Prince Tuan, and joined by a part of the imperial army, the rebels soon gained possession of the country between Peking and the coast, and also of southern Manchuria. Many foreigners were murdered, and by the latter part of May, 1900, the legations at Peking were so far menaced as to make it seem necessary to send additional guards thither. On June 1 a force of fifty American marines arrived there, followed by British, French, Russian, Italian, Japanese, German and Austrian contingents. But these were not sufficient. The American minister at Peking, Edwin H. Conger, on June 5 and again on June 8, cabled urgently for the sending of more ships to Taku. This was done, but when, on June 17, the other foreign ships shelled the Taku forts, the American commander declined to participate in the action because of lack of direct orders to that effect from Washington.

Meantime on June 10 Prince Tuan had become the head of the Chinese foreign office, and on the evening of June 19 he ordered all foreign ministers to leave Peking within twenty-four hours. The next day Baron Ketteler, the German minister, started to go, by appointment, to the foreign office to remonstrate against the order; but as he neared the door of the building he was shot dead by a uniformed Chinese soldier. All the foreign ministers and their staffs then took refuge in the British legation and from June 20 to August 14 were closely besieged there by the Boxers and by the imperial army and were shut off from communication with the rest of the world. The Chinese government pretended to disapprove these proceedings of its own subjects and army,

but was either unable or unwilling to prevent them. For its strange attitude it was called to account by the American secretary of state. When the Chinese minister at Washington, Mr. Wu, on July 11, called upon him to present an imperial despatch denying responsibility for the outrages, Hay sharply told him that if the Chinese government could send him despatches from Peking, it could itself go to Peking for the assertion of its authority and the fulfilment of its international obligations. He then handed to Wu a despatch for Conger at Peking, asking that it be transmitted to him, and adding an intimation that if an answer were not received the United States would assume that Conger had been murdered and would take the action appropriate in such a case. The reply came, nine days later, saying that for a month the ministers had been besieged in the British legation, under shot and shell, and that speedy relief alone could prevent a general massacre.

Relief was immediately sent. Already considerable forces of the powers were assembled at Tientsin, and these were promptly increased until they were believed to be strong enough to fight their way to Peking and at the same time to hold lines of communication with the coast. To this international army the United States contributed about 15,000 men. Operations had begun as soon as news came, on July 9, of the murder of the German minister. The fortified city of Tientsin was attacked on July 13 and was captured the next day. Among the killed was Colonel Emerson H. Liscum, commander of the American troops. The belief then prevailed that all the foreigners at Peking had been killed and that the expedition was consequently for vengeance and not for relief. Progress was therefore made with more thoroughness and prudence than speed. When the despatch from Conger was received by Hay and was communicated to the allied forces, it was generally regarded by the Europeans as a forgery of the Chinese. Nevertheless, on the urging of the Americans, who believed in its authenticity, they agreed to push forward a relief column with all possible speed.

It was August 8 before the forlorn hope could get well on its way. After leaving adequate guards at Tientsin and along the line of communication fewer than 20,000 men were available for the desperate undertaking. There were 2500 Americans, later

reinforced by a troop of cavalry; 3000 British, 800 French, 4800 Russians, 8000 Japanese, 200 German, and 100 Austrians and Italians. Throughout this memorable expedition the forces of the various powers coöperated cordially. There was a markedly closer relationship between the Americans and the British, however, than between any others, and in discussing various matters of policy the American and British commanders acted together, sometimes in opposition to all the others. These two forces were foremost in the chief conflicts of the march, the British leading and the Americans following next in the actual entrance to the beleaguered legation district of Peking, though the Japanese and Russians were first to attack some other parts of the city. The relief of the legations was effected on August 14, but it required two weeks more to conquer the whole capital. The American troops distinguished themselves both by their efficiency and by their orderly and humane conduct, presenting a fine contrast to some of the others, who disgraced themselves by committing outrages as vile as those of the Chinese mob itself. The American losses in the whole enterprise were 2 officers and 30 men killed, and 7 officers and 170 men wounded.

If the American troops distinguished themselves in the military operations, still more did American diplomacy distinguish itself in leadership of international councils. It was the American secretary of state who secured from the besieged American minister at Peking tidings which nerved the allied troops to press on in time to save the legations from massacre. It was Hay, also, who sounded to the world the motive of the expedition. He issued on July 3 a note to the powers, setting forth the policy, the views and the purposes of the United States in direct and unmistakable terms, as follows:

"We adhere to the policy initiated by us in 1857 of peace with the Chinese nation, of furtherance of lawful commerce and of protection of lives and property of our citizens by all means guaranteed under extraterritorial treaty rights and by the law of nations. If wrong be done to our citizens, we propose to hold the responsible authors to the uttermost responsibility.

"We regard the situation at Peking as one of virtual anarchy, whereby power and responsibility are practically devolved upon the local provincial authorities. So long as they are not in

overt collusion with rebellion and use their power to protect foreign life and property, we regard them as representing the Chinese people, with whom we seek to remain in peace and friendship. The purpose of the President is, as it has been heretofore, to act concurrently with the other powers, first, in opening up communication with Peking, and rescuing the American officials, missionaries, and other Americans who are in danger; second, in affording all possible protection everywhere in China to American life and property; third, in guarding and protecting all legitimate American interests; and fourth, in aiding to prevent a spread of the disorders to the other provinces of the empire and a recurrence of such disasters.

"It is, of course, too early to forecast the means of attaining this last result; but the policy of the Government of the United States is to seek a solution which may bring about permanent safety and peace to China, to preserve Chinese territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty and international law, and safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire."

The British government and afterward the German government expressed hearty concurrence in this statement, as a setting forth of their own policy as well as that of the United States; and the other intervening powers took no exception to it, though some of them doubtless did not sympathize with it and were not willing to subscribe to it as their own.

Before the allied forces reached Peking the emperor, dowager empress, and imperial court fled from that city to the interior of the empire, leaving the venerable ex-viceroy, Li Hung-chang, to conduct negotiations with the representatives of the powers. Among the latter there was some difference of opinion as to the course to be pursued. In this emergency the United States took the lead in urging that the allied forces should remain at Peking, acting in concert for the good of all, until the objects set forth in Hay's note of July 3 should be attained. Great Britain and Germany acquiesced in this policy and on October 16 signed an agreement to that effect. In that agreement they set forth that it was a matter of permanent international interest that the ports of China should remain freely open to the trade of all nations;

and they pledged themselves not to take advantage of the existing conditions to secure for themselves special advantages, to act together to prevent, if necessary, any other power from securing special advantages which would impair existing interests; and to direct their policy toward the preservation of the territorial integrity of China. This agreement was fully accepted and adopted by Austria, Italy, and Japan, and somewhat equivocally by France and Russia. The United States, of course, cordially agreed with all of it except one point, namely, the protection of existing interests, to which it prudently declined to commit itself on the ground that there might be some existing interests which did not merit protection. The policy of the United States prevailed, however, in maintaining common and joint diplomatic action by all the powers, just as there had been united military action.

In the matter of exacting punishment for those guilty of the outrages, also, the United States took the lead. The German government first proposed that before peace negotiations were begun the powers should insist upon having the instigators of the crimes, as designated by the ministers at Peking, handed over to them for punishment. To this all the other powers assented except the United States and Great Britain. The United States strongly dissented, insisting that the Chinese government itself should be required to inflict the punishments. While this point was being debated among the powers China herself took it in hand and by imperial decree ordered the degradation of several of the princes and other high nobles who had been the instigators of the outrages. Upon this Germany and the other powers abandoned their demand for the surrender of the criminals, and adopted the contention of the United States, that China herself should punish them. On this subject Secretary Hay wisely said:

"It is thought that no punitive measures can be so effective as the degradation and punishment of the responsible authors by the supreme imperial authority itself; and it seems only just to China that she should be afforded in the first instance an opportunity to do this, and thus rehabilitate herself before the world."

For this, and for other effective efforts to arrange mutually ac-

ceptable terms on which to conduct the peace negotiations, the Chinese emperor on October 14 sent his personal thanks to the President of the United States.

The joint note of the powers, embodying their demands upon China, was completed on December 22. It called for adequate punishment, by the Chinese government, of those who were responsible for and who actually committed the murders and other outrages upon foreigners; for the adoption of measures which would prevent the recurrence of such troubles; for indemnities for the losses sustained by foreigners; and for permanent improvements in the relations of foreigners, both official and commercial, with China. These terms were promptly accepted by the Chinese government, as the basis of peace negotiations. But then came the tug of war in the negotiations themselves; in which the United States took a leading and at times a dominant part. The American representative was William Woodville Rockhill, a diplomat of exceptional experience and skill, and probably the ablest of all Secretary Hay's aids in the foreign service of the United States. His voice was uniformly raised for both resolution and moderation in dealing with China, so as to give the proceedings the appearance of justice rather than vindictiveness. At his instance the demand that all men named on a certain list should suffer the death penalty was changed to "the most severe punishment befitting their crimes"; which was certainly a judicious amendment. Over the question of indemnities a marked difference of opinion arose. Germany, followed by France and Russia, wanted to "bleed China white" by exacting enormous indemnities, far beyond the present power of China to pay. The result would be, they calculated, many years of occupation of China by their troops, or else the seizure of Chinese provinces in lieu of cash, and thus the partition of the empire. Against this oppressive policy Rockhill was outspoken and resolute. He urged that on grounds both of equity and policy China should not be crushed by being compelled to pay vast exemplary damages, but that the powers should be content with indemnities sufficient to pay actual losses, and he reckoned that the grand total should not exceed $200,000,000. He also argued in favor of demanding from China a lump sum, which the powers might then divide among themselves, instead of a separate indemnity

to each power. In this attitude he was supported by the representatives of Great Britain and Japan.

The American policy won on the latter point, that of the lump sum. On the former, Rockhill undoubtedly succeeded in moderating the excessive demands which the other powers wanted to make, though the lump sum finally demanded, about $337,000,000, was much larger than he would have had it. The adoption of the lump sum plan, of course, greatly lessened the zeal for excessive demands. If any power could have for itself alone all that it demanded, it would be inclined to make an enormous claim. But it did not so greatly care to do so if it was to be required to share its booty with the others. Another victory was won by the United States in conjunction with Great Britain, over the method of guaranteeing and raising the indemnity. Russia and France proposed a joint guarantee, which the United States vigorously opposed, urging instead an issue of Chinese bonds, which was finally agreed to. Russia, Germany, and France also proposed that China should be permitted to increase her customs duties by 10 per cent. This the United States opposed, on the perfectly true ground that thus this country, Great Britain, and Japan, whose trade with China was largest and whose demands for indemnity were smallest, would be made to pay an undue share of the indemnities to the other powers, whose trade was smallest and whose claims were largest. Rockhill therefore suggested a maximum increase of the tariff of only 5 per cent.; which was adopted.

How right the American representative was in his contention for a smaller indemnity was demonstrated later, when the actual losses came to be computed. By the protocol of September 7, 1901, the amount of indemnity to be paid to the United States was fixed at something more than $24,000,000; to cover the losses sustained by American citizens and also the expenses of the military expedition to and occupation of Peking. But when the actual losses and expenses were computed, on the most generous scale, it was found that they aggregated less than half of that sum, or about $11,000,000. Accordingly in 1907 the President recommended to Congress that China be released from all obligations in excess of the latter amount. This act of mingled generosity and equity greatly ingratiated the United States with

China, and in 1908 Tang Shao-yi, governor of Mukden province, came hither to thank the American government, and to report that the money thus returned would be used by the Chinese government in sending hundreds of young men to be students in American colleges. Presumably some of the European powers also found their shares of the indemnity to be in excess of their actual losses and expenses; but there is no record of surpassing eagerness on their part to emulate the example of the United States in remitting the surplus to China.

The American troops were the first to evacuate Peking, all except a single company, which remained as a legation guard, withdrawing on May 5, 1901, and sailing from Tientsin for Manila on May 22. The other troops did not all leave until September 17, when the control of the city was restored to the Chinese. During the period of foreign occupation the German and French forces engaged in a number of so-called "punitive expeditions," which were disgraced with much rapine and looting. From all such performances the American forces held strictly aloof, and they won a better reputation for orderliness and humanity than any of their colleagues.

A controversy with Russia was an unwelcome though not altogether unexpected sequel to the peace-making in China. From the beginning Russia had indicated a purpose of confirming and retaining her possession of Manchuria, and this was openly displayed when after the making of the final protocol she violated the terms of that instrument by keeping her troops in that province. Apparently she intended either to hold Manchuria permanently, and probably to make that the stepping-stone to the seizure of Korea, which she had long coveted, or to extort further concessions from China as the price of her withdrawal. England and Japan were so concerned over this that they were moved to sign, on January 30, 1902, an agreement of mutual support against any Russian aggressions hostile to their interests. Two days later the United States made a formal protest to Russia against some of her demands upon China, and a request that she would fulfil her obligations, both to China and to the United States, by withdrawing her troops from Manchuria by October 8 of the following year. The Russian government thereupon suspected the United States of acting in collusion with

Great Britain and Japan, but that was not the case, Secretary Hay having not known of the Anglo-Japanese compact until after he had addressed his note to Russia.

Russia then professed to assent to the just demands of this country but really acted with much duplicity, making fresh demands upon China and misrepresenting their character to the United States. Thus she restrained China from opening two new treaty ports in Manchuria, which the United States requested under the protocol of September 7, 1901. The American consul-general at Shanghai, Goodnow, undertook the negotiations, but was met by the Chinese with unwillingness to discuss the matter, on the ground that they were not authorized to do so. Their tone and manner aroused suspicion that some sinister influence was at work, and the American minister, Conger, set about discovering it, with the result that on May 7, 1903, he was able to report to the state department that the opposition proceeded from the Russian legation at Peking. He then confronted the Chinese government with a charge that such was the case, and secured from it a written admission of the fact. Armed with this, the state department took the matter up with Russia. Hay told the Russian government that our negotiations with China were practically completed with the exception of those relating to the two additional Manchurian treaty ports, and that the Chinese government declared itself to be prevented by Russia from coming to an agreement thereon; and he requested that orders be sent forthwith to the Russian minister at Peking to withdraw his opposition. The reply was that such instructions would be sent at once. When Conger, however, asked the Russian minister if he had received them, and would assent to the opening of the ports, he was told that the whole matter had been taken out of his hands and was to be settled directly between Washington and St. Petersburg.

Hay's persistence finally brought Russia to terms, and on July 14, after a full month of evasion and delay, a definite declaration was secured from Russia, to the effect that she had not meant to oppose and did not oppose the opening of ports in Manchuria, with the exception of Harbin, a city which the United States was understood to have selected as one of the two, and which, being in the Russian railway zone, was not entirely under Chinese

jurisdiction. This declaration was transmitted to the Chinese government, and it then agreed on October 8 to the opening of Antung and Mukden as treaty ports. It was obvious, and was keenly felt by both Hay and Conger, that the United States was badly handicaped in all these transactions by the lack of naval force in Chinese waters. Such a force was needed not for actual coercion, which was not desired, but for moral effect, in counterbalancing the military pressure which Russia was exerting at the other side, and in order to remind China of the greatness and power of this country.

A few months later, in February, 1904, the great war between Russia and Japan, over their rival claims and interests in Korea and China, began. Although China was not a party to the war, the chief military operations were conducted on Chinese soil. That fact suggested the chief interest of the United States in the struggle, namely, a solicitude lest American treaty rights in China should be invaded and impaired. Accordingly the United States government at once issued a note to the two belligerents, urging that "the neutrality of China and, in all practicable ways, her administrative entity, should be respected by both parties." Both powers replied with a promise to respect Chinese neutrality outside of the three provinces of Manchuria, which were the seat of the war, and this promise was so well kept that there was little cause for complaint of violations of neutrality elsewhere. Indeed there were no such violations which affected the interests of the United States. This country observed strict neutrality during the war, though the preponderance of popular sympathy was strongly in favor of Japan; and only twice was it necessary to take any action toward either of the belligerents. One Russian warship entered the port of San Francisco, and three entered that of Manila, and because they were not ready to depart within the specified time-limit of twenty-four hours they were interned for the remainder of the war and their crews were placed under parole.

Vastly more important was the part which was borne by the United States in facilitating the making of peace at the close of the war. On both land and sea the Japanese had been highly successful, and there seemed to be no hope of Russia's retrieving the tremendous losses which she had suffered. On the other

hand Japan realized, though at the time she concealed the fact from the world, that her own resources had been so drawn upon in winning her victories that they were nearly exhausted and that she would consequently be unable to prosecute her triumphant campaign much further. It was therefore on both sides the psychological moment for mediation. Theodore Roosevelt, President of the United States, on June 8, 1905, made a strong appeal to the sovereigns of the two belligerent powers to enter into direct negotiations with each other for peace. This appeal was heeded, and on August 5 following the accredited representatives of the two powers met in amicable conference on board the President's yacht. As a result of that meeting, regular sessions of a peace conference began three days later at Portsmouth, New Hampshire, where the United States government afforded hospitable facilities for the negotiations. The story of that peace-making belongs to Russo-Japanese rather than to American history. It must here be recorded, however, that at a critical point, when a deadlock threatened the negotiations with failure and the envoys of the two powers were about to leave Portsmouth in despair, the President, who had kept in close touch with them all the time, used his personal influence to an extraordinary degree, and thus effected a compromise which brought the negotiations to a successful if not entirely satisfactory conclusion. The treaty of peace was signed exactly one month after that first meeting on the President's yacht. The Japanese felt some dissatisfaction at not having been able to exact any indemnity from Russia, but that was not sufficient to impair their good feeling toward the United States for its friendly part. Russia felt a degree of real gratitude to this country, and among all the nations of the Old World the prestige of the United States was perceptibly heightened.

The rights of America in China were soon again imperiled, and the great and beneficent international policy which had been established toward that country through the initiative of the United States was attacked, by the very power which owed most gratitude to America for the peace of Portsmouth. In 1908 the Russian government essayed to establish its control over the municipalities of northern Manchuria, in violation of the "open door" principle, and in consequence received an earnest note of

protest from our state department. The chief result was that in May of the following year it disclosed the terms of an agreement which it had made with China, giving it the very thing against which Secretary Root had protested. Thereupon the new secretary of state, Philander C. Knox, made another vigorous protest against any impairment of China's integrity or of the principle of the open door and equality of opportunity which had been enunciated by John Hay. But this note was no more effective than its predecessor.

Following this, in December, 1909, Knox proposed that the entire railroad system of the Manchurian provinces, which was then divided between Russian and Japanese control, should be turned back to the Chinese government, to be managed by a national syndicate for purely commercial instead of largely political purposes. This proposal caused much sensation, which was heightened by Knox's announcement that an American and British syndicate had secured a concession for a railroad from Aigun to Chin-chow, in northern Manchuria, and that the Governments of those countries would give it their full diplomatic support. A few weeks later, in the latter part of January, 1910, the Russian and Japanese governments emphatically rejected the scheme, and compelled that of China to do likewise, while the other three powers to which it had been addressed, Great Britain, France, and Germany, remained noncommittal. The proposal thus failed. In the same year the Chinese government made a large loan for the construction of two trunk railroad lines, one from Hankow southward to Canton and one from Hankow westward up the valley of the Yangtse River; and in April, 1911, it made another, to facilitate its reorganization of its currency system. Both these loans were equally apportioned among American, British, French, and German bankers, and the principle of equality among the powers in their transactions with China was maintained.

Some years of agitation culminated in 1911 in the granting of a Chinese constitution and representative government, and the great abasement of the imperial throne. This was not effected without the cost of a civil war, which was still raging when the constitution was granted. The United States then took the lead in summoning, in November, 1911, a conference of the representa-

tives of the powers in China, for the protection of foreign interests and for giving moral aid in the restoration of order. In January following the continuance of the war imperiled communications between the coast and Peking, and consequently American troops were landed to serve as a guard along that line. The trouble soon thereafter began to abate, the emperor was constrained to abdicate, and on April 15, 1912, the American Congress was able to send its greetings and congratulations to the newly proclaimed Chinese republic—an act which was not, however, tantamount to official recognition of the new government, which could be given only by the president.

In order to pay off its army and to meet other pressing obligations the new Government of China felt the need of a large loan, and entered into negotiations for it with six great powers, namely, the four with whose bankers the two former loans had been placed, with the addition of Russia and Japan. This new loan, of $300,000,000, was to be made by the Governments themselves instead of by private capitalists. But serious differences concerning it were soon developed, at first among the six powers, and later between them and China. It was in June, 1912, that the negotiations were held. Russia and Japan proposed that the loan should be divided equally among the six powers, quite regardless of their respective financial resources and ability; and that the veto of any one power should be sufficient to prevent the expenditure of any of it in any given province. The United States led the other powers in resolutely opposing both of these proposals, and insisted that no power should have a larger share of the loan than it was able to provide out of its own treasury; and that the administration of the loan should be determined in all cases by a majority vote of the six powers. After an animated controversy the United States won both points and China was informed of the willingness of the powers to make the loan.

That was on June 22. A few days later the Chinese government replied that it would not accept the loan unless it could have it on the same terms that other borrowing nations enjoyed, namely, that it might use it as it pleased, without the supervision and control of the powers. To this the powers, America included, would not assent. Former loans to China had been made for application under the supervision and control of the cred-

itors, and it was not considered prudent to abandon that condition in the case of this, the largest loan of all. The Chinese government accordingly announced that it would not seek a foreign loan, but would raise the needed funds by means of a domestic loan together with some increase of its customs duties. This disappointed some of the powers, but the United States promptly expressed its gratification at China's ability thus to supply her own needs.

The domestic loan was not, however, forthcoming, and in September, 1912, China was driven to the expedient of making a loan of $25,000,000 from private bankers, with an understanding that it might be increased to double that sum. But her needs could not thus be met, and in November she sought to reopen negotiations with the six powers for an international loan. By the middle of January, 1913, such a loan of $125,000,000 was supposed to be assured. But new difficulties arose. The other powers imposed conditions which China in her extremity was compelled to accept, but which the United States would not approve. The outcome was that in March the United States withdrew from the combination of powers and would have no more to do with the loan, and two months later it was announced that the remaining five powers had made the loan and had paid to China the first instalment of it. At about the same time, at the beginning of May, 1913, the United States, deeming the Chinese Republic securely established, extended to it formal recognition. Several eminent citizens of the United States were engaged by the Chinese government to be its expert advisers, and relations between the two countries continued to be most friendly; though it was unmistakable that the nonparticipation of this country in the international loan had impaired somewhat its prestige and influence in the Far East.

The Chinese government in 1906 adopted vigorous and effective measures for the abolition of the opium traffic, aimed alike against the production, the sale, and the use of the drug, except for purely medicinal purposes. It was ordered that after January 1, 1909, the importation of morphine for other than medicinal purposes should be prohibited. The United States, in common with other powers, cordially assented to this, and took the initiative in calling, at Shanghai, in February, 1909, an inter-

national conference intended to encourage and assist China in suppressing the evil, and to extend the efforts to other lands. Of this beneficent gathering an American, Bishop Brent, was the presiding officer. The United States also invited the powers to unite in another such conference two years later, and no fewer than eleven governments agreed to do so; at The Hague, in December, 1911. The leadership of the United States in assisting China in this important reform was deeply appreciated.

Soon after the ending of the Russo-Japanese War an earnest though never acrimonious controversy arose between the United States and Japan, as the result of demagogic agitation, professedly in the interest of American labor, identical with that which years before had caused a dispute with China over coolie immigration. For years efforts were made to secure the exclusion of Japanese from California and other Pacific Coast States, quite in defiance of treaty obligations. At last, in 1906, a labor unionist was mayor of San Francisco and a board of education hostile to the Japanese was appointed by him. In October of that year the board issued an order excluding Japanese pupils from all the public schools of the city, excepting some which were specially set apart for them—after the manner of the "Jim Crow" cars for Negroes at the South. This was rightly regarded by the Japanese as a gross affront, and as a violation of their rights under the existing treaty with this country, and an official protest, temperate but strong, was at once made.

The President, Roosevelt, forthwith sent his secretary of the interior, Victor H. Metcalf, to San Francisco, to investigate the situation and to report upon it to him. Metcalf found the importance of the school question to be greatly exaggerated, in circumstances which indicated it to be a mere pretext for something more, namely, entire Japanese exclusion. The pretense that the schools were being thronged with Japanese was exposed to ridicule by the fact that there were only ninety-three Japanese pupils in all the schools of the city. The complaint that a multitude of adult Japanese men were attending schools among American children of tender years was disposed of by the fact that not more than a dozen of the ninety-three Japanese students were more than eighteen years old, and they were quite

willing to withdraw from the schools. Metcalf found, too, that organized boycotting and persecution of the Japanese was being practised.

Roosevelt instantly resolved to fulfil loyally the treaty obligations of the United States against the attempt of either city or state authorities to nullify them, and so reported to Congress in a message. It was obvious that the old question of the supremacy of treaties over state or municipal law, and of the power of the Federal Government to enforce them, was again to be threshed out; and two test suits were accordingly brought in behalf of Japanese pupils in the California courts. In February, 1907, the mayor of San Francisco went to Washington, and confirmed the belief that the exclusion of the Japanese from the schools was a mere feint in a much more important campaign, when he said frankly that there would be no objection to the Japanese in the schools if the further immigration of Japanese laborers was prohibited. This was an uncalled-for demand, since the number of Japanese in this country was insignificant and was steadily decreasing, the number annually returning to Japan considerably exceeding that coming to America. Nevertheless Roosevelt endeavored to accede to it. At his dictation Congress added a paragraph looking in that direction to a pending bill for the regulation of immigration, and Roosevelt ordered the exclusion from this country of all Japanese and Koreans who should come hither without passports. On March 14, in consequence, the San Francisco board of education rescinded its anti-Japanese resolution, and the two test suits were dismissed without coming to trial.

This was not the end of the trouble. It was only the prelude. The lawless hostility to the Japanese continued and increased. Numerous outrages were committed upon them, and sensational newspapers invented extravagant tales of Japanese designs of conquest in this country, and sought to arouse a warlike spirit. Especially were stories circulated about Japanese acquisition of Magdalena Bay, in Mexico, as a naval station, in which there was not one word of truth. But this clamor, half insensate and half malicious, continued, until on November 7, 1907, Baron Hayashi, the Japanese minister for foreign affairs, felt constrained to publish a formal statement, decrying all war talk in either coun-

try, declaring that war between the two nations was impossible and inconceivable, and expressing the fullest degree of confidence in the justice and friendship of the United States. Meantime our secretary of state, Root, entered into negotiations with the Japanese government for a modification of treaty relations which would restrict the immigration of coolies. Japan cordially responded, being herself strongly desirous of stopping such migration, since she felt the need of all her workingmen at home, for the development of her new estates in Formosa and Korea. But, being a proud and sensitive nation, she would brook no indignity nor invidious and insulting discrimination against her or her citizens. The negotiations resulted in a satisfactory understanding, though no formal treaty was made at that time. The Japanese government simply agreed to respect and to use its influence to execute the act of Congress already mentioned, and the executive order, for the restriction of coolie immigration.

Even this did not abate the anti-Japanese furor. The legislatures of California and other States endeavored to enact laws which would have been highly offensive to Japan, but were restrained from doing so by Roosevelt's personal influence. Japan met these things with two noteworthy acts for the cultivation of American friendship. A company of forty-six of her most eminent bankers, merchants, educators, members of Parliament, and others visited and made a tour of the United States, where they were the guests of chambers of commerce. Also, the Emperor of Japan sent a personal message of congratulation to the City of New York upon the three hundredth anniversary of the discovery of the Hudson River, and gave it in commemoration thereof three hundred Japanese cherry trees, to be planted along the shore of the Hudson River by Japanese gardeners sent over for the purpose.

What should have been—but was not—a final settlement of the whole controversy was effected in 1911, in the making of a new general treaty of commerce and navigation. This was negotiated at Washington by the secretary of state, Knox, and the Japanese ambassador, Baron Yasuya Uchida; it was signed on February 21, and was ratified by our Senate with an amendment three days later; ratifications were exchanged at Tokio on April 4, and on April 5 it was proclaimed. The essential fea-

ture of this instrument for present consideration was the understanding, expressed by the Senate in ratifying it, that "the treaty shall not be deemed to repeal or affect any of the provisions of the Act of Congress entitled 'An Act to Regulate the Immigration of Aliens into the United States,' approved February 20, 1907." That understanding was accepted by the Japanese government, and Baron Uchida appended to the treaty a declaration that the Japanese government was "fully prepared to maintain with equal effectiveness the limitation and control which they have for the past three years exercised in regulation of the emigration of laborers to the United States."

The sinister, sordid, and insincere campaign against the Japanese on the Pacific coast continued, however, both secretly and openly, until it culminated again in 1913 in proposals for offensive discriminatory legislation. The California legislature first adopted a resolution demanding the application of the Chinese exclusion act to the Japanese. Next it purposed the enactment of one of two bills. One, introduced into the assembly, forbade "aliens ineligible to citizenship" to own land in that State. The other, in the senate, forbade any aliens to own land, but promised to protect all in their treaty rights. The former naturally elicited protests from the Japanese, since it was obviously aimed against them; they being excluded from citizenship by the interpretation of the laws which conferred the privilege of naturalization upon none but Caucasians and Negroes, excluding the Mongolian race, to which the Japanese were held to belong. The senate bill was protested by other countries, though without due reason, since the right of a State to exclude aliens from ownership of land had long been exercised without protest by other States of this union, and by the Federal Government itself in the Federal District and the Territories, as well as by other countries, including Japan. For this reason Japan did not protest against the senate bill but only against that of the assembly. She admitted California's right to exclude all aliens from landowning, but insisted that if any were permitted to own land, her citizens must be, under the provision of the treaty which gave them all the rights and privileges here which the citizens or subjects of any other land enjoyed.

This view of the case, taken by Japan, was also taken by the

President of the United States, Woodrow Wilson, who advised the California legislature to that effect, and urged the dropping of the offensive and discriminatory phrase "ineligible to citizenship" from the assembly bill. Further to emphasize his views and to influence the legislature against offensive measures, Wilson sent his secretary of state, William J. Bryan, to California, to reason and plead with that body. The legislature listened to Bryan courteously, and disregarded his pleadings with rare unanimity. It then passed a bill not, indeed, excluding those "ineligible to citizenship" from landowning, but admitting to that privilege those "eligible to citizenship"! It also enacted that all others—to wit, those ineligible to citizenship—might acquire and hold land to the extent of the provisions of any treaty existing between their country and the United States. Against this ingenious attempt to "whip the devil around a stump" Wilson protested, as calculated to lead to litigation to determine the treaty rights of aliens; but the legislature persisted in passing it.

Japan of course protested against it, on April 12. It was, she held, a violation of her rights under the treaty, which said: "The citizens or subjects of each of the high contracting parties shall have liberty to enter, travel, and reside in the territories of the other, to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses and shops, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects." To this protest the United States made, on May 19, a reply which was not satisfactory to Japan, and the controversy was continued thereafter at intervals, without definite result; the anti-Japanese agitation in the United States also being continued whenever the slightest opportunity was afforded.

The really essential feature in this latest California legislation was passed over with little notice, though thoughtful men saw in it the supreme issue which must one day be settled. The senate bill as at first proposed promised to protect all aliens in their treaty rights, and the bill as finally passed guaranteed to aliens all their existing treaty rights. Both these provisions in

effect made the State of California the authority which was to safeguard aliens in their treaty rights and which was to enforce and execute the treaty obligations of the United States! A more egregious example of exalting the less above the greater—the State above the nation—has seldom been recorded in our history.

XXXIV

THE ISTHMIAN CANAL

AMERICA'S embarrassment was France's opportunity. The dispute with Great Britain over the Clayton-Bulwer treaty, and the discredit and odium which were incurred by this country through the Walker episode in Nicaragua, served for a time as a hopeless handicap upon all American schemes for an interoceanic canal across any part of the Central American isthmus. Then was Louis Napoleon's chance. While a prisoner at Ham he had speculated upon the immeasurable possibilities of such a waterway, even offering to renounce forever his pretensions to the French imperial crown if he were released and permitted to go to Nicaragua to essay that enterprise. Following Walker's raids he sent over a shrewd agent, Felix Belly, who represented to the Central American States that the United States was their enemy and that their only safety lay in the protection of the three European powers which had just guaranteed the integrity of Turkey, namely, France, Great Britain, and Sardinia; and persuaded Nicaragua and Costa Rica to settle their differences, and to grant him a canal concession. This was to give him all the privileges which the American Atlantic and Pacific Canal Company had enjoyed, and in addition the right to maintain two French warships in Lake Nicaragua.

This was in May, 1858. The United States government was perplexed with ominous domestic complications, but it could not ignore this menace. Cass, the secretary of state, accordingly informed the French government, through Mason, our minister in Paris, that the United States desired to see the Isthmian routes opened and free for the commerce of the world, and the States of that region well governed, prosperous, and free from the control of all foreign powers; that it could not consent to the assumption of any European authority over those States; and that the landing of any European forces there would have

unfortunate results. This declaration was effective. The French government paused, Nicaragua withdrew the ill-advised concession, and an American corporation, the Central American Transit Company, received a franchise for the navigation of the waterways of that country. Later, during his attempt at the conquest of Mexico, Napoleon renewed his canal schemes, and through Michael Chevalier secured a concession for a canal at Nicaragua; but that scheme lapsed with the fall of Maximilian.

The close of the Civil War permitted our Government to give renewed attention to canal enterprises, and after Rear-Admiral Davis had made a report strongly in favor of Panama, rather than Nicaragua, a treaty was negotiated with Colombia in 1869 for the construction of a canal there, which should be owned and controlled by this country. Unfortunately, political opposition to the administration of President Johnson caused the Senate to refuse ratification, and a like fate befel a similar treaty submitted by President Grant in 1870. In 1868 the Dickinson-Ayon treaty with Nicaragua secured for this country the right to construct a canal there, the canal to be under Nicaraguan sovereignty, with its neutrality guaranteed by the United States and other powers; but no action was taken under it.

By this time, however, the policy of the United States concerning the canal had become definitely fixed. President Grant in 1869 declared it to be "of vast political importance that no European government should hold such a work," and his successor, President Hayes, proclaimed the American purpose to be to secure "an American canal under American control." Numerous surveys of routes were made by the Government, as a result of which the Interoceanic Canal Commission in February, 1876, unanimously reported in favor of a route at Nicaragua, from Greytown to Brito, by way of the San Juan River and Lake Nicaragua. The secretary of state, Hamilton Fish, at once sought to negotiate with Nicaragua a treaty for the construction of such a canal, and with Great Britain such modification of the Clayton-Bulwer treaty as would permit this country to construct and control the canal. Grant's administration closed, however, before anything practical was effected in those directions.

At the same time another and the last French enterprise was undertaken. Gorgoza, a Spanish explorer and surveyor, ex-

amined the Atrato River route in Colombia, far south of Panama, and secured from the Colombian government a concession for a canal there. This he took to Paris in the fall of 1876, and with it roused the enthusiasm of the "Old Imperialists," who were still hoping for a Bonapartist restoration, and caused them to organize "La Société Civile Internationale du Canal Interocéanique." A concession was secured from Colombia for a canal at any point on the isthmus. An International Scientific Congress was held in Paris in 1879, with 136 delegates, of whom a majority were Frenchmen, though the United States had two official and nine unofficial representatives in it. The outcome was the organization of the Universal Interoceanic Canal Company, under the lead of Ferdinand de Lesseps, the builder of the Suez Canal. Work was begun at Panama in February, 1881.

American suspicion and opposition were instantly aroused by what was apparently a menace to the Monroe Doctrine and to American interests. To counteract these feelings, if possible, Lesseps organized an American committee and spent vast sums of money for the development of American sentiment in his favor. He personally visited this country and had an interview with the President, Rutherford B. Hayes, but quite failed to conciliate him. Indeed, his visit had an effect exactly contrary to that which he had hoped, for a few days after their interview Hayes sent to the Senate a message in which he said:

"The policy of this country is an American canal under American control. The United States cannot consent to the surrender of this control to any European powers. If existing treaties between the United States and other nations, or if the rights of sovereignty or property of other nations, stand in the way of this policy, suitable steps should be taken by just and liberal negotiations to promote and establish the American policy on this subject, consistently with the rights of the nations to be affected by it. . . . No other great power would, under similar circumstances, fail to assert a rightful control over a work so closely and vitally affecting its interest and welfare."

It is pertinent to recall that these memorable words—the most advanced, radical, and aggressive ever uttered on the subject—were written in March, 1880, by one of the most calm, temperate, and conservative of our presidents. They meant, unmistakably,

that we were to control the canal as a part of our own domestic coast waterways; that no European power was to have any share in it; that if the Clayton-Bulwer or any other treaty stood in the way, it must be modified or abrogated; that if any alien power had acquired property rights on the isthmus, it must surrender them; and that even the sovereignty of the Central American States across whose territory the canal might extend, must yield to the imperative demands of American interests.

Two rival schemes of isthmian transit arose in this country. One was for a canal at Nicaragua. A company was formed, work was begun, and millions of dollars were spent; and then the enterprise became bankrupt and was abandoned. The other was for a gigantic ship railroad at Tehuantepec, designed by the great engineer James B. Eads; but political influence at Washington denied it the government encouragement which was necessary, and it never got beyond the stage of plans and estimates. It was evident, then, that diplomatic measures must be taken to defeat the French scheme at Panama, or to bring it under American control. Accordingly in the succeeding administration of President Garfield the secretary of state, James G. Blaine, undertook negotiations with Great Britain for getting rid of the Clayton-Bulwer treaty.

Unfortunately, with his love for a "vigorous and aggressive" foreign policy, and his marked antipathy toward Great Britain, he began this work with more zeal than discretion. He first sent out a note to American ministers in Europe, advising them of what was being done by the French at Panama, denouncing the purpose to establish a European guarantee over an American canal, arguing that all guarantees and control must proceed from the United States, and practically serving notice upon the world that any attempt to supersede such American guarantee and control with such functions exercised by European powers, would be regarded as a hostile act. In all that, beyond doubt, Blaine was exactly right. But he was premature. He should first have got rid of the Clayton-Bulwer treaty which, by the solemn guarantee of the United States, gave to Great Britain the same measure of control over the canal that we ourselves should enjoy. It was a grave tactical mistake to ignore that fact, which after all was the salient fact of the whole situation. He strove to

strengthen his position by cultivating closer relations with the Central American States, and invited them to join in a "Pan-American Congress" to be held at Washington in 1882, an invitation which all but Costa Rica accepted. The congress was not held, however, Blaine having retired from the cabinet long before the date set for it.

The British reply to this first move of Blaine's was prompt and telling. Pressure was put upon Nicaragua for confirmation of the British claim upon the canal route there, and that country's failure to fulfil some of the terms of the Managua treaty of 1860 was referred to the arbitration of the Emperor of Austria; whose verdict was against Nicaragua. The result was that Great Britain gained title to the Caribbean terminal of any possible canal at Nicaragua, and reëstablished her authority over the Mosquito coast.

Then Blaine did what he should have done first. He moved for the abrogation of the Clayton-Bulwer treaty, through notes to James Russell Lowell, our minister in London. The gist of his argument was that, owing to changed conditions, the Clayton-Bulwer treaty was obsolete, and was an obstacle to the building of the canal instead of the aid that it was meant to be; and that therefore Great Britain ought to consent to the abrogation of it and relinquish all her rights and privileges under it, in return for a promise that the United States would neutralize the canal to all powers. In other words, America was to be released from the treaty while Great Britain was still to be bound by it. In a second note Blaine argued that there had been a misunderstanding in the very making of the treaty, and that therefore it should be abrogated. To this the British foreign minister, Lord Granville, replied that Buchanan, twenty-five years earlier, had declared that in spite of that misunderstanding he was quite satisfied and desired the treaty to stand; while now Blaine, on exactly the same ground, declared himself dissatisfied and asked that the treaty be annulled. He added that the British government had already offered to abrogate the treaty and to let affairs be returned to the *status quo ante,* but the United States had demurred; wherefore now the British government did not purpose to let the treaty be annulled or modified just to suit the pleasure of the United States. In this, it must be confessed,

Granville scored. Both Buchanan and Blaine had aimed to "eat their cake and have it, too," by retaining for this country all its advantages under the treaty while releasing it from all its obligations.

Blaine then retired from office, and the controversy was continued with Granville by his successor, Frederick T. Frelinghuysen, with perhaps more diplomatic prudence but with no better results. To his argument that the Clayton-Bulwer treaty ought to be abrogated because it was contrary to the Monroe Doctrine, the effective reply was that the Monroe Doctrine was in existence and had been for many years when the treaty was made, but was then not regarded as a bar to the making of it. The controversy at last ended, at the very point at which it had begun, with nothing gained. Frelinghuysen then determined to defy the treaty which he had failed to get rid of, and accordingly negotiated with Nicaragua, in 1894, a convention directly traversing that of Clayton and Bulwer. This Frelinghuysen-Zavala treaty provided that the United States should construct a canal at Nicaragua, to be owned by it and Nicaragua jointly, that there should be a perpetual alliance between the two countries, and that the United States should guarantee the territorial integrity of its ally. A bolder or more direct challenge to Great Britain could scarcely have been made. It was intended as such; as a deliberate violation of the Clayton-Bulwer treaty, so flagrant and extreme that Great Britain would be compelled to take cognizance of it. The result would probably have been abrogation of the treaty, an attempt by Great Britain to return to the *status quo ante,* and a protracted and exacerbated struggle between that country and the United States, diplomatic if not military, over the sovereignty and control of the Nicaraguan or Mosquito coast.

But this was not to be. Before the Senate could or would ratify the Frelinghuysen-Zavala treaty the administration of President Arthur was succeeded by that of Grover Cleveland, and a radical change occurred in the foreign as well as the domestic policy of the nation. This treaty with others was immediately withdrawn from the Senate and was not again submitted to that body. It may have been well that this was done, since ratification and execution of the treaty would almost cer-

tainly have caused grave complications, and subsequent events, as we shall see, showed that the controversy was susceptible of satisfactory settlement in a far easier and more amicable way. We cannot censure Arthur and Frelinghuysen for their frank and courageous resolution to retaliate upon Great Britain for her former violations of the treaty. Their policy was in accord with elemental human nature; there was abundant provocation for it; and it would assuredly have been expeditiously effective for some sort of settlement. Yet it was probably far better, even at the expense of years of delay, to await the more diplomatic and really more effective and profitable course which was pursued by John Hay.

Cleveland did, however, much more than to withdraw that treaty. He announced a complete reversal of government policy concerning the canal; probably the most radical reversal of a great foreign policy in the history of America. He directly repudiated the doctrine of Grant and Hayes, for "an American canal under American control," declared that the canal "must be removed from the chance of domination by any single power," —even, of course, by the United States—and added:

"An engagement combining the construction, ownership, and operation of such work by this Government, with an offensive and defensive alliance for its protection, with the foreign State whose responsibilities and rights we would share, is in my judgment inconsistent with such dedication to universal and neutral use."

This was a reversal and repudiation, not alone of the canal policy of Grant and Hayes, but equally of that of Polk in 1846, in making the treaty with Colombia for control of the Panama Railroad. Happily this strange and deplorable lapse lasted no longer than the four years of Cleveland's administration, and was immediately followed by a return to the former and true American policy, which was thereafter consistently maintained. In 1889 Congress chartered an American company for the construction of a canal at Nicaragua, under concessions from that country and from Costa Rica, and much work was done; but the enterprise ended in bankruptcy in 1893. For years thereafter a battle royal was waged in Congress, one party seeking to secure government aid for the moribund Nicaragua project, and

the other striving in the interest of the rival French enterprise at Panama which, after the doing of an enormous amount of work, was almost equally moribund—because of unexampled profligacy and corruption, unexpected engineering difficulties, inability to overcome the unsanitary conditions of the isthmus, and, above all, the assured knowledge that ultimately the canal would have to reckon with the resolute resistance of the United States.

Such was the status of the whole matter when the war with Spain temporarily diverted American attention from the isthmus, and at the same time presented an impressive object lesson in the need of the canal. This lesson was in the voyage of the battleship *Oregon*, which in the spring of 1898 had to make the run from California to Florida around the South American continent, 13,400 miles, whereas a run by way of the canal would have been only 4,600 miles. Immediately following the conclusion of peace with Spain, therefore, Congress took up the subject of the canal again in earnest. The Senate adopted a resolution requesting the President to seek modification or abrogation of the Clayton-Bulwer treaty. The House adopted another, ignoring the rights of Great Britain under that treaty, which happily failed to secure the approval of the Senate.

Meantime the administration was at work. The secretary of state, John Hay, negotiated with the British ambassador, Lord Pauncefote, a treaty providing for the construction, operation, and regulation of an isthmian canal by the United States alone; the canal to be neutralized according to the principles of the Clayton-Bulwer treaty, never blockaded and never fortified; and the other great powers were to be invited to join in the guarantee of neutrality. This was laid before the Senate for ratification on February 5, 1900, and at once met vigorous criticism. Objection was made to the prohibition of fortifications, to the joint guarantee by other powers, and to the maintenance of the Clayton-Bulwer treaty, and amendments were made for the removal of those objections. These amendments were commendable. They were in accord with the established policy of this country, and they were identical with the provisions which a little later were adopted by both countries; but they were just then unacceptable to Great Britain, and accordingly the treaty,

as thus amended and ratified by the Senate on December 20, 1900, was rejected by that country.

Lord Lansdowne, the British foreign minister, deeply regretted this, being earnestly desirous of effecting a settlement of the long-continued dispute, and with complimentary discretion he selected the anniversary of Washington's birthday, February 22, 1901, as the date for suggesting negotiations for a new treaty which, he believed, could be made acceptable to both nations. Hay and Pauncefote at once and gladly acted upon his suggestion and negotiated the second treaty bearing their names. This instrument as drafted by them specifically abrogated the Clayton-Bulwer treaty; gave the United States the sole power to construct, operate, and control the canal, without the cooperation or co-guarantee of Great Britain or any other country; and, by implication, gave this country the right to fortify the canal and to blockade it if necessary in time of war. This latter right was specifically confirmed by Lansdowne, as the British understanding of the treaty, in a supplementary memorandum. Thus the treaty secured for this country everything that had been sought in the amendments to the former treaty. America gained everything that she desired, and Great Britain yielded everything; the sole stipulation in the latter's behalf—not in hers alone, but also in that of the whole world—being that tolls and conditions of passage through the canal should be equal to all nations, and should be "just and equitable." This stipulation of equality, as was clearly stated and understood at the time, by the diplomats who made and by the Senate which ratified the treaty, applied to American shipping just the same as to that of other nations. This understanding had, indeed, been made plain in the Senate during the debate on the former Hay-Pauncefote treaty, when a proposal for an amendment discriminating in tolls in favor of American shipping was overwhelmingly rejected; and it was personally expressed to the writer of this book by John Hay.

This treaty, brief and simple but epochal, marking the first substantial step toward the canal, was signed on November 18, 1901, laid before the Senate on December 5 following, and ratified without amendment on December 16. In that memorable achievement, one of the finest in the whole record of Ameri-

can diplomacy, the weary wrangle over the Clayton-Bulwer treaty, the Mosquito coast, and what not, was ended forever in the complete triumph of American policy. For Great Britain made no further pretensions to sovereignty over the Nicaraguan coast, while the way was opened for the United States to construct "an American canal under American control," and to acquire whatever privileges or property rights it might desire in any of the Central American States.

Next was renewed the rivalry between the Nicaragua and Panama routes. The moribund French company at the latter place secured the permission of the Colombian government to sell its franchise and unfinished works, provided the United States was the purchaser and the transfer was made not later than March 1, 1902; and it then offered to sell to the United States for the sum of $109,141,500. This was regarded by this country as too much. It would make a canal at Panama more costly than one at Nicaragua. The sum of $40,000,000 was named as the maximum that America would pay, and after much reluctance the French company agreed, on January 4, 1902, to accept that amount. It knew of course, that if it did not sell to the United States, this country would build the canal at Nicaragua, and the Panama enterprise would be killed and would be a total loss. Similarly those interested at Nicaragua knew that the adoption of the Panama route would mean the abandonment of Nicaragua and the loss of all that had been invested there.

The House of Representatives on January 8 almost unanimously adopted a bill, authorizing the President to construct a canal at Nicaragua. The Senate substituted for this a bill drafted by John C. Spooner, authorizing the President to purchase the Panama Canal franchise and works for $40,000,000, and to proceed with the completion of that enterprise; but if he could not within a reasonable time make a satisfactory treaty with Colombia for that work, on conditions named in the bill, he was to abandon Panama and build the canal at Nicaragua. After a long and bitter fight this was adopted by the Senate by an overwhelming vote; and a few days later the House concurred in it by a vote even more nearly unanimous than that by which it had formerly expressed its preference for Nicaragua! This measure was signed by President Roosevelt and became law

on June 28, 1902, and the second great step toward the construction of the long-desired canal was completed.

The third step was in some respects the hardest of all, namely, to effect suitable arrangements with Colombia, through whose territory the canal was to extend. That country had been profuse and exigent in its urgings for the United States to adopt the Panama route instead of that at Nicaragua. But when it was asked to agree upon specific terms its tone changed, and it manifested the design either of requiring extortionate conditions or of causing much delay. John Hay proposed, and Colombia agreed in a preliminary protocol, as a basis of negotiation, that Colombia should ratify the sale of the French interests to the United States; that the United States should have a perpetual lease of a zone five kilometers or 3.105 miles wide, through which the canal should be constructed, the zone to be under the joint administration of Colombia and the United States; that the canal should forever be neutral, under the police protection of Colombia; and that the United States should pay to Colombia a bonus of $7,000,000, and after fourteen years a perpetual yearly bounty of $250,000.

These terms were generally regarded in the United States as exceedingly generous to Colombia, and as not sufficiently safeguarding the immense interests of this country in the canal; the latter estimate of them certainly being correct. But the Colombian minister, José V. Concha, who had negotiated the protocol, presently told Hay that they were entirely too illiberal toward Colombia, and that he could not accept them in behalf of his Government. For this there were two reasons. One was, that German influence was then paramount at the Colombian capital and also with Concha personally, and it, as manifested a few years before in the Spanish war, was intensely hostile to American interests. The Colombian foreign debt was largely held in Germany, and German commercial interests there were large. The German colonial party was eager for "expansion," particularly in the Western Hemisphere. It had just succeeded, by its machinations at Copenhagen, in preventing the sale of the Danish West India Islands to the United States; it was industriously seeking acquisition of the Dutch West Indies for Germany, and it had conceived the scheme of defeating Ameri-

can acquisition of the Panama Canal and the purchase of that work by the German government under the mask of a German commercial company. In the end, therefore, it was not at all surprising that Concha, after burking the treaty which he had started to make, suddenly retired from his place as Colombian minister to the United States and departed for Europe in the company of a prominent German politico-commercial promoter.

The other reason for Colombia's rejection of the terms, afterward frankly admitted, was that the Government of that country, being all but bankrupt, coveted the $40,000,000 which the United States was to pay to the French company, and aimed to secure it for its own depleted treasury. The franchise of the French company would expire in October, 1904, and unless the canal were finished by that time, which was of course a physical impossibility, the concession would lapse and the entire property of the French company would be forfeited to the Colombian government. All that was necessary was to delay matters for a couple of years, and then Colombia could herself sell the canal to the United States and could herself get that $40,000,000. Or, if the United States would not then buy, she could sell it to Germany. The latter was, indeed, the chief German plan for getting control of the canal. It was argued, with a certain plausibility, that since the United States had permitted a French company to acquire the concession and to begin building the canal, it could not logically object to a German company's taking the work over and completing it. The fatal flaw in this argument was, however, its ignoring of the principle so strongly laid down by John Quincy Adams and brought to culmination by Polk, that European powers, while they might continue to hold their property in America, would not be permitted to transfer it from one to another, but upon relinquishing it must make it over to the United States or some American power. That was our attitude in respect to Florida, and to Cuba, and John Hay had it in mind to enforce that same policy in respect to the Panama Canal.

Meantime the situation was complicated with another of the periodical outbreaks in Panama. That province had long bitterly regretted its abandonment of independent sovereignty and its annexation to Colombia, and insurrections against the mis-

government of the latter country had been frequent. The revolt of 1902 so seriously menaced American interests and rights under the treaty of 1846 that American vessels and troops were sent thither for police duty. There was no intervention in favor of either side, but there were a neutral maintenance of free traffic on the railroad and a prohibition of the use of the railroad for military transportation purposes by either party. The Colombian government protested against being thus excluded from the use of the road in suppressing a rebellion, but the action of the United States was maintained, and was fully justifiable under the treaty. This incident is to be borne in mind for its pertinent bearing upon subsequent events.

Concha was succeeded, in December, 1902, by Dr. Thomas Herran, as Colombian chargé d'affaires at Washington; a man of high character and reasonable disposition who, while intensely loyal to his own Government, was friendly to the United States and earnestly desirous of making a satisfactory treaty with this country, rather than of continuing the German intrigues. He entered into negotiations with Hay, therefore, with much cordiality, and on January 22, 1903, signed what was known as the Hay-Herran treaty. In these negotiations he was hampered by his own Government, which strove to delay proceedings, and to hold out for extortionate terms. Indeed, it finally gave him permission to sign the treaty only under a direct threat from Hay that if it were not signed by a certain date the United States would abandon Panama, build the canal at Nicaragua, and forbid, if need be with force and arms, the construction of a canal at Panama by any foreign power or corporation—as it was entitled to do under the treaty of 1846; which gave to this country the exclusive control of any transportation route of any kind that might be opened across the isthmus. This brought the Colombian government to terms, and it decided to let the treaty be signed; and then to kill it!

The Hay-Herran treaty was more liberal to Colombia than the Hay-Concha protocol in respect to the cash payments. It provided for a bonus of $10,000,000 and an annuity of $100,000 beginning in nine years. Computation shows that under the Hay-Herran terms Colombia would have had $500,000 a year for nine years and $600,000 a year thereafter, supposing the bonus

to have been invested at five per cent; while under the protocol she would have got only $350,000 a year for fourteen years and $600,000 a year thereafter. In other respects the treaty was more favorable to the United States, as it needed to be. It gave the United States control of a leased zone thirty miles wide, instead of a little over three miles, and it gave this country also, instead of Colombia, police powers therein.

The treaty was ratified by the Senate on March 17, 1903, and it was expected that it would be promptly ratified by the Colombian congress. But it was not. That body first sent for an agent of the French canal company and demanded of him $10,000,000, one-fourth of the purchase price of the canal, as the price of its ratification of the treaty. This he refused. Then the Colombian government informed A. M. Beaupre, the American minister at Bogotá, that the treaty would not be ratified unless the French company paid that $10,000,000 and the United States increased its bonus to $15,000,000. This was reported to Hay, who unhesitatingly rejected the blackmailing demands. In consequence on August 8 the Colombian senate rejected the treaty. But just a month later the Colombian government confidentially informed that at Washington that it would reopen negotiations for a new treaty on a basis which might be acceptable to the new Congress which would meet in July, 1904! Four days later, on September 12, the time allotted for ratification of the treaty expired, and the treaty was dead. Finally the Colombian government, on October 14, cynically "showed its hand" in a recommendation of a senate committee, that no further canal treaty with the United States should be undertaken until after the concession of the French canal company had expired and all its property and rights had been forfeited to Colombia. The United States patiently waited a "reasonable time," as required by the Spooner Bill. But when the Colombian congress adjourned on October 31, the American minister there retired from his office on a leave of absence, and our canal negotiations with Colombia were at an end.

Three days later came the Panama revolution. In April and May preceding representative men of Panama, not only of the opposition and revolutionary party but of the party supporting the Bogotá administration, earnestly remonstrated against im-

periling the canal treaty, and gave warning that rejection of the treaty, which might mean loss of the canal to Panama, would probably provoke the gravest of consequences. The Colombian government gave no heed to these warnings, and in consequence a number of prominent Panamans, of both political parties, began plotting a revolution which should restore independence to the isthmus. In this they were aided and encouraged by several unofficial Americans, and by Philippe Bunau-Varilla, and other officers of the French canal company. One of their number, Dr. Manuel Amador-Guerrero, came to the United States for official and pecuniary aid. The latter he secured, but not the former. He had several interviews with the secretary of state, but was told that this Government could not give any aid to a revolutionary enterprise, or make any promises in advance concerning recognition or protection. All it could say was that it would scrupulously fulfil its duties as a neutral, and would inflexibly maintain its rights under the treaty of 1846, as indeed it had done during the insurrection of the preceding year. Then Hay kindly but firmly told Amador that, as he was confessedly a potential rebel against a Government with which this country was on friendly relations, he must discontinue his visits to the state department.

Thus warned of impending trouble on the isthmus, the United States prudently prepared to deal with it so far as it affected the interests of this country. The treaty of 1846 bound the United States to protect the isthmian territory against alien attack, though it did not bind it to aid Colombia against domestic revolt. It also invested this country with the privilege, power, and duty of protecting the neutrality of the railroad across the isthmus, and a year before that power had been exercised against the Colombian government itself. Orders were consequently given to naval commanders to be near the isthmus and in readiness to act as occasion might require; the time when the revolution would begin being perfectly well known. The knowledge of these preparations and of the probable course of the United States in view of its former attitude toward such outbreaks, greatly encouraged the revolutionists and practically assured them of success.

A Colombian force of 450 men reached Colon on November 3,

the day before that set for the uprising. The commander of the American gunboat *Nashville,* lying off that port, offered no opposition to their landing. The four chief officers were permitted to take train for Panama. But when the body of soldiers sought to follow, the railroad authorities refused to let them do so. The precedent of the year before forbade them to use the railroad for military purposes, and they were not permitted to travel as ordinary passengers, partly because they carried arms and partly because they had no money with which to pay their fare! They then threatened to seize the railroad by force, and there was even said to be talk of "killing every American in Colon." This moved the railroad authorities and others to appeal to the commander of the *Nashville,* John Hubbard, for protection, and he promptly landed fifty men to serve as police. Acting under special orders from Washington, Hubbard then forbade the railroad to give transportation to the troops of either party. The British consul suggested that if more help were needed to maintain order men might be landed from the British cruiser *Amphion,* but the well-meant offer was declined. In a short time several more American vessels were at hand, both at Colon and at Panama; on November 5 the Colombian troops were shipped back to Colombia on a British mail steamer; and the United States government made it known that it would not permit the landing of any troops hostile to the Panama revolution within fifty miles of Panama or anywhere on the Caribbean side of the isthmus.

Meanwhile the four Colombian officers who went across to Panama had been arrested by the Panaman authorities, and the independence of the isthmian State had been formally proclaimed, on the afternoon of November 3. A provisional Government was formed, which was cordially accepted by practically all the people, and on November 7, on the recommendation of the American vice-consul-general at Panama, it was officially recognized by the United States as the lawful Government of the new Republic of Panama. Similar recognition was given by France, Germany, Austria-Hungary, and China before the end of the month, and in the course of a few weeks more nearly all the nations of the world had followed the example.

The chief criticism of the course of the American govern-

ment in this episode was directed against the order forbidding Colombian troops to land within fifty miles of Panama, which amounted to forbidding them to undertake the reconquest of the isthmus. This was variously explained and justified. It was argued that the treaty of 1846 applied not so much to the Colombian government as to the territory of the isthmus—in the apt words of John Hay, "it ran with the land; it guaranteed the actual government of the isthmus against alien conquest; the Panama government was now recognized as the actual government of the isthmus, and Colombia had become an alien country; wherefore the United States under that treaty was bound to protect Panama from Colombian invasion. Another argument was that the United States was bound to protect the railroad line from belligerent interference; that any invasion of the isthmus at any point by Colombians would have had seizure of the railroad or its terminals as its ultimate object; and that therefore the United States was entitled to prevent any such invasion. Secretary Hay fully appreciated the ingenuity and the force of these arguments. But his own favorite statement of the case, as made personally to the present writer, was more direct. "We have been for years," he said, "growing tired of isthmian revolutions, and now that we have potentially acquired so enormous interests there, which would be injuriously affected by any more such outbreaks, we have decided that it is time for them to understand that revolutions have gone out of fashion!"

The sum of the whole matter was that the United States had for fifty-seven years patiently and loyally fulfilled its obligations under the treaty of 1846; that Colombia had more than once disregarded her obligations; that throughout that period revolutions and other disturbances had been almost incessant upon the isthmus, to the great annoyance and loss of the United States, and that instead of abating they showed a tendency to grow more frequent and more serious; that Colombian control over the isthmus could not have been maintained without the armed assistance of the United States; and that when for the first time it became possible for Colombia to do anything in requital of the services which had been rendered by the United States, at no cost to herself but rather to her great pecuniary

and political gain, and with an assurance of thus securing forever the stability of her sovereignty and peace on the isthmus, she deliberately and persistently refused to do it, in circumstances strongly indicating bad faith. That was the substance of President Roosevelt's account of the episode, and it stands approved.

The bad faith of Colombia was soon made manifest by the conduct of the Government. It was at first solemnly declared that that Government was prohibited by the constitution from alienating any of its territory, as the treaty would practically have done, and that therefore ratification was impossible. Yet immediately after the Panama revolution the Colombian government offered, if the United States would intervene to undo the revolution and restore the isthmus to it, to declare martial law and thereunder ratify the Hay-Herran treaty, or to call a special session of congress, with new and friendly members, to ratify it. It then sent General Rafael Reyes, perhaps the most eminent citizen of Colombia, to Washington to repeat that offer. If the United States would restore Panama to Colombia, he said, in effect, Colombia would revive and ratify the treaty, with an amendment waiving the $10,000,000 bonus.

Colombia continued to show resentment against the United States though friendly diplomatic relations were maintained. Various suggestions for a settlement of her claims against this country were made, but none was adopted. The Root-Cortez treaty, negotiated in 1909 by Elihu Root, secretary of state, and the Colombian minister, provided that Colombia should recognize the independence of Panama, and that Panama should pay to Colombia in ten yearly instalments the sum of $2,500,000 as her share of the public debt of Colombia which was contracted while the isthmus was a part of Colombia; but the Colombian congress refused to ratify it. A counter proposal was made by Colombia, that the whole matter should be referred to the International Tribunal at The Hague, but this the United States declined. Another proposal, by this country, was that the United States, as an act of grace and amity, should pay Colombia $10,000,000 as an omnibus indemnity, but this, too, Colombia declined. Finally, in 1914, William J. Bryan, secretary of state, negotiated a treaty, which was signed at Bogotá on April 7, by

T. A. Thompson, minister to Colombia, under which the Panama boundary line was to be readjusted in Colombia's favor, Colombia was to receive certain commercial advantages, and the United States was to pay an indemnity of $25,000,000. This was ratified by the Colombian senate, but the United States Senate indefinitely postponed action upon it, largely because the first article contained an expression of regret by the United States for anything that might have disturbed the friendship between the two nations, which was tantamount to a confession that this country had acted improperly in the matter of the Panama revolution.

Meantime, what of our relations with the Republic of Panama? On the very day on which this country recognized its independence, Philippe Bunau-Varilla was appointed Panaman minister to the United States. He at once began with Secretary Hay negotiations for a canal treaty, and that instrument was completed and signed on November 18. It gave to the United States a perpetual lease and absolute administrative control of a canal zone ten miles wide from sea to sea and certain islands in the Bay of Panama, including the ownership of the Panama Railroad, and the right to intervene if necessary for the maintenance of peace and order in Panama itself; in return for which the United States was to guarantee the independence of the isthmian republic and was to pay it a cash bonus of $10,000,000 and after nine years an annuity of $250,000 forever. This was ratified by the Senate on February 23, 1904, and was proclaimed three days later. Under this treaty the United States at once proceeded with the gigantic undertaking of constructing the canal. Since then several minor readjustments of details of relationship between the United States and Panama have occurred, and at several elections in the latter country American moral influence has been exerted, by request, for the preservation of order and the assurance of integrity. On the whole the American protectorate has been maintained over the isthmus as a separate republic with far less difficulty and friction than arose in the protection of our treaty rights and legitimate interests while it was a province of Colombia.

Another episode in connection with the isthmian canal must be recorded, as having to some degree affected our foreign re-

lationships, unfortunately in a manner causing some reproach. In 1912 a bill was enacted by Congress providing for the operation of the canal, which was then nearing completion. An effort was made to insert in it a clause exempting all American vessels from tolls for passage, but upon the manifestation of vigorous opposition this was modified so as to exempt only American vessels engaged in the domestic coasting trade. To this also there was much opposition, both in Congress and throughout the country, but it was forced to enactment and the bill was signed by President Taft. The advocates of this measure at first pretended that the Hay-Pauncefote treaty permitted such discrimination, saying that the phrase "all nations" obviously meant "all other nations." This absurd contention was, of course, readily disproved by the record. It was proved—as already stated in these pages—that both Hay and Pauncefote, in making the treaty, and the Senate in ratifying it, understood and meant "all" to mean all, and American shipping to be included on the same terms as that of other nations. Then it was urged that that applied only to our foreign-bound commerce, since domestic coastal commerce could not under our laws come into competition with the shipping of other lands and therefore a favor to it would be no discrimination against or hardship to them. This was plausible, but the obvious answers were: first, that the treaty recognized no such distinction between coastal and foreign commerce; second, that to exempt any shipping from tolls would throw heavier tolls upon the rest, and thus violate the provision of the treaty that they should be "equitable"; third, that of all our commerce that of the coasts needed the favor least, since it was already protected against alien competition; and fourth, that we should need all possible revenue from the canal to pay its expenses and therefore could not afford to exempt any part of the commerce passing through it.

The British government made a formal protest, in moderate terms, against the exemption, as a violation of the Hay-Pauncefote treaty; which it was. To this the answer of some was that no treaty should be regarded which stood in the way of American interests, and that as we had built the canal we had a right to manage it as we pleased, treaty or no treaty. This brutal and immoral view of the case was, happily, repulsive to the vast ma-

jority of the nation, and a nation-wide demand arose for the vindication of our good faith by the repeal of the exemption. This demand became so strong that President Wilson, who during the first year of his administration had been noncommittal, was constrained to take it up and did so with much directness and vigor. On March 5, 1914, he delivered a message to Congress in which he urged the repeal of the exemption, declaring that no communication which he had addressed to Congress carried with it graver or more far-reaching implications than this. He argued that the exemption was a mistaken economic policy from every point of view, and that it was in plain contravention of the Hay-Pauncefote treaty. A long debate ensued, which ended with the passage by the House of a bill repealing the exemption clause, on March 31, by a vote of 247 to 162. The Senate passed it by a vote of 50 to 35 on June 11, with a foolish and futile amendment to the effect that the bill should not be construed as a waiver of any treaty rights of the United States. Members of the Senate thus seemed to regard a treaty as something which could be impaired by Act of Congress; that is, a formal contract between two sovereign parties could be modified at will by one of them acting alone! The House accepted the amendment and repassed the bill by a vote of 216 to 71, and the President signed it, though he was undoubtedly disgusted with the amendment. Thus the reproach of treaty-breaking was removed, though not as gracefully as was to be wished, and not without a deplorable insistence upon the right to play fast and loose with international obligations, which it had been hoped the nation had outgrown.

CHAPTER XXXV

SETTLEMENTS AND UNSETTLEMENTS

THE early years of the twentieth century were marked with the settlement by the United States of a number of long-pending controversies and with a perceptible advance of this nation in friendship and intimacy with most of the countries of the world. By far the most noteworthy was the approachment which was effected between the United States and Great Britain. Between those countries, naturally, intercourse had from the first been most direct, transactions had been most frequent and important, friction had at times been most acute, and controversies had been most earnest and persistent. At the end of the nineteenth century and the beginning of the twentieth various circumstances conduced irresistibly to the prevalence of a cordial feeling between them which amounted to little less than an unwritten alliance. Chief among these were the attitude of Great Britain toward America in the Spanish war, the attitude and sentiment of America toward Great Britain in the Boer war, the sympathy and coöperation between them in the Far East, and the personal influence of a number of statesmen in each country. On the British side Joseph Chamberlain, the Unionist leader and secretary of state for the colonies, and Lord Pauncefote, Sir Michael Herbert, and James Bryce, afterward Lord Bryce, ambassadors to the United States, were particularly influential; while on the American side the work of cultivating and confirming friendship was performed with signal felicity and efficiency by a distinguished succession of ambassadors, including John Hay, Joseph H. Choate, and Whitelaw Reid.

The chief issue between the two countries at this time remaining unsettled was the oldest of all, namely, that of American rights in the North Atlantic coastal fisheries. This had been a leading issue in the making of peace at the end of the Revolution, and again at the end of the War of 1812, and had been

the special subject of a treaty in 1818 which it was then hoped would prove definitive; but for more than eighty years after the latter date it was a frequent source of friction, controversy, and even peril to the friendly relations of the two countries. It was in its later years complicated with an injection into British affairs of a factor which had from the first been troublesome in our own, namely, the pretension of a colony—in our case, a State—to traverse and defy a treaty made by the National Government. Mention has already been made of the attempt of Newfoundland authorities to exalt their local municipal laws above American treaty rights. In 1906 the Newfoundland government enacted a measure explicitly intended to impose upon the American fishermen conditions and disabilities which were held by this country to be in contravention of the treaty of 1818.

The matter was taken in hand both at Washington and at London. At the former capital there was a looking forward to an ultimate composure of the dispute through the offices of the Permanent Court of Arbitration at The Hague. At London the effort was to prepare for such settlement by the creation and maintenance of a *modus vivendi* and the cultivation of confidence and friendly feelings between the nations. The intiative was taken in this beneficent labor by the American ambassador, Whitelaw Reid. Of all the distinguished men who had represented this country at the British court for a century and a score of years, none had been more resolute, aggressive, and indefatigable than he in maintaining both the letter and the spirit of American rights; while on the other hand none had been more highly *persona grata* with the British court, Government, and people. His former brief and formal missions, as special ambassador at the jubilee and at the funeral of Queen Victoria, had greatly commended him to Great Britain, and had served as an introduction to the serious work of diplomacy when he went thither for the third time as ambassador.

In 1906, Reid and the British foreign minister, Sir Edward Grey, took up the matter of a *modus vivendi* and on October 6–8 signed such an instrument, to be in force for one year. Under it American fishermen were to be permitted to employ Newfoundlanders outside of the three-mile limit of coast waters, and to use purse seines for taking fish. They were also to be ex-

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empted from the provisions of the Newfoundland law which had just been enacted. On the other hand, they were to waive the right of fishing on Sundays. This concession to Sabbatarianism did not mollify the Newfoundland government, which vigorously protested, but in vain, against the agreement. Despite colonial grumbling, the British government maintained the compact, and for the first time in many years there was peace in the fishing waters. A year later the agreement was renewed by Reid and Grey, in anticipation of reference of the controversy to The Hague, and again they renewed it in 1908, negotiations for arbitration being then in progress at Washington.

These latter were conducted by the American secretary of state, Elihu Root, and the British ambassador, James Bryce. Already, early in 1908, they had negotiated a general arbitration treaty, signed on April 4, ratified by the Senate on April 22, and proclaimed on June 5; providing for the submission to arbitration at The Hague of all disputes over the interpretations of treaties which could not be settled by ordinary diplomatic means, and which did not involve the vital interests, honor, or independence of either party or the interests of any third party; with the special stipulation that any such suit affecting the interests of a self-governing colony must have the assent of the Government of that colony. Under this treaty Root and Bryce concluded an agreement for submitting the interpretation of the Fisheries treaty of 1818 to arbitration; which was signed on January 27, 1909, ratified by the Senate on February 18, and confirmed on March 4. In order to give this convention time to be carried out at The Hague, Reid and Grey in the fall of 1909 effected still another year's extension of the *modus vivendi*.

The trial and determination of this century-old dispute at The Hague formed perhaps the most noteworthy of all the transactions, thus far, of that exalted tribunal. It was not so much arbitration as adjudication—a gigantic international lawsuit. There were five judges on the bench. The president was Dr. Heinrich Lammasch, a member of the Austrian Herrenhaus, the upper chamber of the Imperial Parliament, and a professor in the University of Vienna. The second member of the bench was A. F. de Savornin Lohman, formerly a minister of state of the Netherlands and a member of the lower house of the Parliament

of that country. The third was George Gray, a justice of the United States circuit court of appeals and formerly a senator from Delaware. The fourth was Sir Charles Fitzpatrick, chief justice of the Supreme Court of Canada. The fifth was Luis Maria Drago, formerly minister of foreign affairs of Argentina, co-author of the Drago or Calvo doctrine, and one of the most eminent jurists that South America has ever produced. The chief counsel were Elihu Root, senator from New York and formerly secretary of state for the United States, and Sir William S. Robson, the British attorney-general, for Great Britain. More than a score more, of counsel, attorneys, clerks and what not, were implicated in the elaborate proceedings.

The whole case was searchingly reviewed, not merely from the date of the treaty of 1818, nor even from the Revolutionary War, but from the time of the British settlement of Newfoundland, the French settlement of Canada, and the British-American conquest of the latter country. Seven questions were presented for determination. The first was whether British or colonial municipal laws were subject to the assent of the United States. Second, whether American fishermen on those coasts had a right to employ aliens as members of their crews. Third, whether the right to take, dry, and cure fish in places designated by treaty could, without American consent, be conditioned upon compliance with custom-house regulations. Fourth, whether the treaty to enter certain coast waters for shelter, repairs, or supplies, could be conditioned upon compliance with custom-house or port requirements. Fifth, the meaning, in the treaties, of the term "bay." Sixth, whether the treaty of 1818 gave to Americans the same rights in Newfoundland as in Labrador. Seventh, whether American fishing vessels operating under the treaty were entitled to the privileges, also, of trading vessels generally.

The first question was decided in the negative, against the United States; the court deeming that necessary in order to sustain the sovereignty of Great Britain. It was held that municipal laws affecting the exercise of treaty rights might be made and enforced without the consent of the United States. Obviously the same principle, applied to the United States, would permit a State to make laws modifying the treaty rights of

other nations—California, for example, to limit the rights of Japanese to attend school or to own land; as recorded in a former chapter. The fifth question also was decided in Great Britain's favor; namely, that in delimiting a "bay" the line was to be drawn from headland to headland, instead of following the sinuosities of the coast. This was a question of which, as already recited, each of these two countries had at times taken each side. On all the other points the decision was in favor of the contentions of the United States, exempting American fishing vessels from custom-house, port and light dues, giving them full commercial privileges, and permitting them to employ Newfoundlanders at will. Finally, an impartial commission, consisting of one expert from each country and a third from the Netherlands, was to be constituted to determine all disputed fishing regulations. The award was received by both parties to the suit with sincere satisfaction, though some delay occurred in the execution of all its details. It was not until July 20, 1912, that complete rules and regulations for conducting the fisheries, for delimiting the coast waters, and for providing for future modifications of the system, were agreed upon by the two Governments. The agreement was ratified by the Senate on August 1, and was proclaimed on November 15, 1912; and thus at last the century-old dispute passed from controversy into a closed chapter of history.

Another vexatious controversy between the United States and Great Britain related to the exact boundary line and the rights of the two nations in the various border waters between this country and Canada. This was brought to an acute stage by three circumstances: The utilization of the water of the Niagara River for industrial purposes, the drawing of water from Lake Michigan for the Chicago sewerage system (thus affecting the level of the water in the great lakes generally, in Canadian as well as American ports), and alleged American trespassing on Canadian fishing grounds in Lake Erie, which in 1906 led to Canadian seizure of American nets. An international commission in 1908 agreed upon satisfactory settlement of the first two questions, providing for preservation of the scenic beauty of Niagara and the protection of the lakes from a too great lowering of their level. The question of the bound-

ary line through the border waters was remitted to further negotiations. Accordingly in 1908 Root and Bryce made a treaty, which was signed on April 11, ratified by the Senate on May 4, and proclaimed on July 1, providing for the delimitation of the boundary line through all border waters from Passamaquoddy Bay to Puget Sound. Again, in January, 1912, an international joint commission was organized, to adjust all further differences between the two countries concerning the use of boundary waters. It consisted of James A. Tawney, George Turner, and Frank A. Streeter, Americans; and Thomas C. Casgrain, Henry A. Powell, and Charles A. Magrath, Canadians; and its *agenda* comprised the regulation of the draught of water from Lake Champlain to supply a Canadian canal connecting that lake with the St. Lawrence River; and the construction of a dam across the Long Sault of the St. Lawrence, for both navigation and power purposes.

At the same time that he was busying himself with the fisheries *modus vivendi,* on November 19, 1907, Whitelaw Reid made with Sir Edward Grey an agreement of immense commercial importance to this country, which was scarcely appreciated at the time. This provided that all samples of goods taken to Great Britain by American commercial travelers should be passed through the custom house without delay and without examination, merely on the authority of their seals, marks, or officially attested lists, which should be accepted as satisfactorily establishing their character. In 1908 a treaty was made defining the rights of the United States and Canada in the conveyance of prisoners, and in wrecking and salvage operations. This was signed on May 18, ratified by the Senate on May 20, and proclaimed on July 10. A postal convention, lowering the ounce rate on letters between America and Great Britain to two cents, was made and went into effect on October 1, 1908. A similar convention was made with Germany, for mail carried on direct German steamers, which went into effect on January 1, 1909.

An agreement for a comprehensive and mutually advantageous system of commercial reciprocity was concluded between the United States and Canada in 1910, not in the form of a treaty but of a legislative act which was to be adopted by Congress and by the Dominion Parliament. Factional opposition was

at once manifested toward it in this country, not so much because of its merits or demerits as a part of the widespread revolt which was then being fomented against the Taft administration. A special session of Congress was summoned by the President to consider it, and after a prolonged and bitter contest the measure was finally adopted and signed on July 26. Its passage was effected, however, by virtue of Democratic support, the anti-Administration Republicans voting against it. Worst of all, the factional utterances against the measure and against the administration, in the course of the debate, aroused a grave degree of resentment in Canada, and of suspicion regarding the motives of this country, which culminated in the disclosure of Ex-President Roosevelt's declaration that adoption of the measure "would make Canada only an adjunct of the United States." The result was that the Canadian Parliament rejected the measure, and a purely benevolent arrangement, which would have been of immense profit to both countries, was made the victim of intemperate partizan animosity and personal spite—with perhaps some touches of short-sighted and sordid selfishness. It was a lamentable business, which both countries afterward had occasion to regret.

This incident was not, however, permitted to impair the fraternal relations which had been established between the United States and all parts of the British Empire. Various minor differences were amicably composed, and by the fall of 1912 there was not left between the two great Anglo-Saxon powers a single unsettled controversy or cause of irritation. In a coincidence at once tragic and triumphant the ambassador who had so greatly and essentially contributed to this consummation, and who had indeed made its achievement the supreme ambition of his life, was called away from his work in the very moment of its completion. Whitelaw Reid died at his post in England on December 15, 1912; and the esteem in which he personally and his international work were held in that country was manifested in such memorial tributes from court, Government, and people as never before had been paid to a citizen or subject of any other land, if indeed to any one, Briton or alien, of less than royal rank. This remarkable demonstration was properly accepted, too, as a denotement of the confidence and affection which pre-

vailed between the two nations; and a fitting epilogue was provided in the official and popular commemoration, two years later, of the one hundredth anniversary of the signing of the treaty of Ghent and the completion of a century of unbroken peace between the American Republic and the British Empire.

Following closely upon these happy compositions at the North, came a series of most unhappy disturbances at the South in our relations with that country which stands next to Canada in importance among our North American neighbors. For some time disaffection had been more or less openly fomented in Mexico against the administration of Porfirio Diaz. That extraordinary man had for many years given to Mexico the only stable and efficient government it had enjoyed since Spanish colonial times more than a century before. Nevertheless his rule was despotic and was marked with many abuses. Also, it could not be made subservient to the sordid interests of some American speculative capitalists and corporations, and the aid of these was accordingly given to those who were plotting for its overthrow. Francisco I. Madero, a man of enormous wealth, visionary and idealistic in the extreme, put himself forward as the protagonist of revolt, and on November 22 proclaimed himself President of Mexico in place of Diaz. He seemed at the time to be a futile insurgent, and on December 1 following Diaz was formally installed for his eighth term as president. But the Maderist insurrection grew, fostered by Madero's wealth and by surreptitious aid from the United States. So serious had the situation in northern Mexico become that on March 7, 1911, 20,000 American troops were sent to the Texas border. On May 25 Diaz resigned and went to Europe, leaving Francisco de la Barra as provisional president; and on October 1 following Madero was chosen President of Mexico.

All informed and judicious observers had regarded the fall of Diaz as the sure precursor of anarchy, and their baleful apprehensions were quickly realized. A fortnight after Madero became president an open revolt was organized against him, which rapidly increased in extent and vigor; despite the ruthless and atrocious measures employed by him or his associates for its suppression. These disorders inevitably had an injurious effect upon American interests, both in Mexico and in the border region

of the United States; to such an extent that President Taft in February, 1912, had to warn Madero against permitting such injuries, and to send several regiments of troops to the border. A request by Madero for the passage of Mexican troops through United States territory in order more conveniently to attack the rebels at Juarez was prudently declined.

Complaint was made by Madero at the beginning of March, 1912, concerning the sales of arms in the United States to the Mexican insurgents; with a suggestion that such traffic should be stopped. The reply was that under the existing laws it could not be stopped. From the beginning of our national life the Government had insisted upon the free right of American citizens to manufacture and sell arms and ammunition to all customers; though of course purchasers must take them out of this country at their own risk. This same principle had long been recognized by all nations, as in accord with international law. Nevertheless, *salus reipublicae suprema lex;* and it presently appeared that it might be decidedly to the advantage of this country, for the sake of discouraging disorder next door, to prohibit such traffic in certain circumstances. At Taft's request, therefore, on March 14, Congress passed a joint resolution providing that whenever in any American country conditions of domestic violence existed which were promoted by the use of arms or munitions of war procured from the United States, the President might by proclamation make it unlawful to export such supplies to that country, except under conditions prescribed by him.

This was decidedly novel and radical action, calculated to be at times most salutary. It meant that the United States would no longer supply its turbulent neighbors with the means of breaking the peace; and it was an appropriate adjunct to the Monroe Doctrine, being calculated to constrain the Central and South American countries to keep in a worthy condition of stability and order those governments in the possession and enjoyment of which we were protecting them. It did not apply to any countries outside of the Americas, nor even to American States save in their internal disturbances. Taft immediately, on the day of the passage of this resolution, proclaimed an embargo on shipments of military supplies to Mexico, to either the

insurgents or the Government. Ten days later the order was modified so as to apply only to the insurgents.

Even with this discrimination in its favor the Madero government steadily lost ground. Before the end of March it was deemed prudent to send a thousand rifles to the Americans in the City of Mexico, for their self-defense, and at mid-April Taft sent another and stronger note to Madero, calling attention to the killing of American citizens in Mexico, demanding the better safeguarding of both life and property, and giving warning that the United States would hold the Government and people of Mexico responsible for all injuries sustained. A similar note was sent to the foremost of the rebel leaders. Madero replied in a somewhat curt and defiant tone, to the effect that the Mexican government knew its own business and was attending to it satisfactorily; with a suggestion, scarcely veiled, that the United States would better mind its own business and not meddle with Mexican affairs. But his efforts to suppress the rebellion were vain. An outbreak at Vera Cruz in October, 1912, was crushed, but in February, 1913, a battle was fought in the streets of the City of Mexico; on February 18 Madero and several of his colleagues were captured by the revolutionists and Victoriano Huerta, leader of the revolutionary army, proclaimed himself provisional president. Five days later Madero and Suarez, the deposed president and vice-president, were murdered in circumstances which strongly suggested Huerta's responsibility for the crime.

President Taft declined to recognize Huerta as the lawful President of Mexico; partly because it was not yet clear that Mexico itself regarded him as such; partly because the tragic circumstances of his accession, in the brutal assassination of Madero, seemed to deserve the rebuke of some delay in recognition; and partly because his own administration was within a few days of its end and a courteous consideration for his successor and regard for the conduct of our relations with Mexico demanded that to his successor should be left the determination of so important a matter. Woodrow Wilson succeeded Taft as President on March 4, and William J. Bryan became secretary of state; and they unhesitatingly continued the policy of non-recognition of Huerta; presently intensifying it with the inti-

mation that recognition would never be accorded to him in any circumstances—an attitude for which it would be difficult to conceive justification.

The expected happened. In May, 1913, a serious revolt against Huerta began. Its chief seat was in the north, along the United States border. That has been the favorite scene of most Mexican revolts, the obvious purpose being to use the United States as a source of supplies, and perhaps as a place of retreat in case of need. The bulk of the United States army had, in consequence, to be kept on duty along the frontier, and in spite of its presence there was much shooting across the line, with occasional injury to Americans. Protests were provoked, and in August the United States government became so much concerned that Wilson deemed it well to make an offer of mediation between the contending factions. This Huerta, knowing Wilson's personal antagonism toward him, declined to consider. Nine days later, on August 27, Wilson outlined to Congress his policy toward Mexico, the spirit of which was that Huerta should not be recognized but must be compelled to retire from the Presidency in favor of some one elected in circumstances satisfactory to the United States. This assumption of a right to supervise and censor Mexican affairs served chiefly to increase the animosity which already prevailed between the governments of the two countries.

The American ambassador to Mexico, Henry Lane Wilson, regarded Huerta as the strongest man before the Mexican public and as likeliest to reëstablish efficient government, and therefore favored recognition of him at least as the *de facto* president; which unquestionably he was. This dissent from President Wilson's policy of course made the ambassador's continuance in office impossible, and on August 4 Bryan announced his "resignation," to take effect on October 14. Meantime President Wilson had sent William Bayard Hale, a New York newspaper man and his close personal friend, on an unofficial errand of investigation to Mexico City; and immediately upon the announcement of H. L. Wilson's resignation he appointed a "personal representative" without diplomatic rank to go to Mexico on a mission of negotiation with the president whom he refused to recognize. The performance was obviously much like that of Cleveland's sending

Blount as "Commissioner Paramount" to Hawaii; and it was similarly ineffective. The agent selected was John Lind, formerly Governor of Minnesota; a man of high character and fine ability, but unversed in diplomacy, unfamiliar with the language of Mexico, and because of his Scandinavian origin quite void of natural sympathy with the Spanish and Aztec people with whom he was to deal.

There was also a strong resemblance between Lind's instructions and those which Cleveland had given, years before, to Willis as minister to Hawaii. Like Willis, he was to deal with a government whose legality was not recognized, and, like Willis, he was to invite that government to abdicate. He was to inform Huerta that no progress was being made toward the establishment of a government which the country would obey and respect; a matter upon which Huerta might well have claimed to be at least as well informed as the newly arrived visitor from foreign parts. He was to urge an immediate cessation of fighting throughout Mexico; though of course he could offer no assurance that if Huerta stopped fighting the insurgents would do the same. He was also to exact from Huerta a pledge that he would not be a candidate in the presidential election which should be held after such cessation of hostilities; though on what ground the United States had authority thus to proscribe Huerta from the exercise of his rights as a Mexican citizen, was not apparent and was not demonstrated. Finally, he was to promise the recognition of the United States for a government established under the prescribed conditions; implying that such recognition would be given to no other government.

Such a message to the Mexican government was evidently foredoomed to rejection and failure. Huerta's secretary of state for foreign affairs, Federico Gamboa, replied on August 16 that President Wilson misconceived the situation, that it was impracticable to secure cessation of hostilities from the insurgents, that the United States was at fault in letting the rebels get arms from across the border, and that the extraordinary discrimination against Huerta could not be considered because, apart from its unwarranted character, there was danger that it would be interpreted as a matter of personal dislike. He concluded by saying that the question of the Presidency must be

decided by the Mexican people at the polls, and by requesting recognition of the government as legal. Wilson's rejoinder, through Lind, was to repeat the demand for a constitutional election at which Huerta would not be a candidate, and to add an offer of a loan if such an election were held. Gamboa replied that under the Mexican constitution Huerta could not be a candidate, and he resented the suggestion of a loan as a virtual attempt at bribery. It was then that Wilson made to Congress the statement of policy already mentioned.

Disregarding Wilson's insistence that he should efface himself, Huerta continued in office, and called a general election for October 26, at which a new Congress, president and vice-president should be elected. Several candidates for the Presidency were placed in the field, Huerta himself being, at the last moment, among them. The election was held only in those States which were under Huerta's control, and even there not half the districts sent in returns. Of the votes which were cast for president, Huerta got a majority. Thereupon Lind demanded that the whole election be declared void, and Nelson O'Shaughnessy, the American chargé d'affaires, repeated the demand for Huerta's resignation. These demands were ignored. But Huerta declared that he had no thought of accepting the election, and the Congress on December 9 declared the presidential election void, though that for Congress was held valid. It also extended Huerta's term as provisional president to July 5, 1914. Meantime Wilson sent his friend Hale again, on November 12, to confer with the leaders of the insurrection, and on December 2 he himself reported to Congress that there could be no certain prospect of peace until Huerta had surrendered his usurped authority. Until that should happen, he purposed a policy of "watchful waiting."

Huerta then undertook to confirm his position by securing the enactment of important laws for the public good. He was, however, seriously handicapped by his inability to borrow money abroad, because of the hostile attitude of this country. On February 3, 1914, he received a deadly blow in Wilson's repeal of the embargo on arms, which resulted in the immediate supplying of the insurgents with all desired munitions. Wilson made it quite clear that his sympathies were with the rebels, and on

April 6, 1914, the "Constitutionalist" leader, Venustiano Carranza, issued a manifesto expressing his admiration of him and of the American people.

Three days later, on April 9, while the troops of Huerta and Carranza were fighting for mastery at Tampico, a party of sailors from an American naval vessel landed at that port, within Huerta's lines. They were at once arrested, but an hour and a half later, when it was made clear that they had come ashore merely to purchase supplies, they were released with apologies from the commanding general and from Huerta himself, and it was promised that the officer responsible for the arrest should be punished. As, however, the men had landed from a boat flying the American flag, the American commander, Rear-Admiral Henry T. Mayo, the next day demanded that the Mexicans should fire a salute to the flag to atone for the insult which it had suffered. The Mexicans demurred, on the ground that no insult had been intended and that the incident was too trivial to require such formalities; but on the insistence of the United States government Huerta yielded and agreed to fire the salute, on condition that, in accordance with general usage, the American ship should at once respond with a salute to the Mexican flag. Wilson refused to promise that this would be done, ordered all available ships of our navy to Mexican waters, and announced that the salute must be given before 6 P.M. of the next day, April 19.

The salute was not given, solely because of Wilson's refusal to promise the customary return salute, and on April 20 Wilson asked Congress for authority to use force sufficient to compel compliance with his demand. He did not seem to realize that in requiring the salute from Huerta he was practically recognizing him as the head of the Mexican nation; or else that he was seeking to invade Mexico with American troops to wage war against a private individual. He explained that he was fighting the Huerta faction, but not the people of Mexico. But he quickly found himself antagonized by that people. Without waiting for authorization by Congress, on April 21 he landed a force at Vera Cruz and seized the custom house, in order to prevent a German steamer from landing a cargo of arms and ammunition for Huerta's forces. This was futile, for the German ship simply

went away and landed the cargo at another port. But the landing was vigorously opposed by the Mexicans, and a sharp battle was fought in the streets of Vera Cruz before the Mexicans were driven off and the city was brought under American control. The American troops lost 18 killed and 70 wounded, and the Mexicans 126 killed and 195 wounded, including many civilians.

The incident was fiercely resented by all Mexico, save by Francisco Villa, the most lawless of all the insurgent leaders. Even Carranza protested against it angrily, while at Monterey the American consul-general, Philip C. Hanna, was thrown into prison and the American flag was torn down. An army of 6000 men under General Frederick Funston was sent to occupy the conquered city, and held it until November 23, when the American forces were withdrawn and the place was turned over to Carranza. The salute to our flag, which formed the pretext for the whole violent and tragic business, was never given. At the time of the occupation of Vera Cruz President Wilson renewed the embargo on arms, and maintained it until September 9, when it was again withdrawn.

While these discreditable and deplorable transactions were in progress, futile efforts were made at a composure of the troubles through diplomacy. At an early date Wilson had been urged to invite several of the principal South American States, especially the "A B C powers," as Argentina, Brazil, and Chile were called, to join this country in offering mediation in Mexico. The desirability of such action was obvious. It would have disarmed all suspicion of American motives or designs upon Mexico, it would have added a strong tie to the relations between this country and the South American States, and it would have made an appeal which no Mexican leader could afford to refuse. There is reason to believe that Huerta would have accepted such mediation and would have been ruled by its results. But Wilson would do nothing of the sort until it was too late. On April 25, four days after the invasion of Mexico by American troops, the "A B C powers" offered mediation, not, however, with the United States between the Mexican factions but between Mexico—that is, Huerta—and the United States. This Wilson readily accepted, apparently not realizing that again he was thus prac-

tically recognizing the Mexican president whom he had been refusing to recognize. Carranza was also invited to enter the conference, but declined.

On May 20 the conference met at Niagara Falls, on Canadian soil, being welcomed by George Pearly, Canadian secretary of state. The three mediators were the representatives of the three powers at Washington: Romulo S. Naon, minister of Argentina; Domicio da Gama, ambassador of Brazil; and Eduardo Suarez Mujico, minister of Chile. The United States was represented by Joseph Lamar, justice of the Supreme Court, and Frederick W. Lehmann, solicitor-general; while the Mexican government was represented by Emilio Rabasa, Agustin Rodriguez, Luis Elguero, Rafael Elguero, Martinez del Campo, and Rafael Capetillo. It was announced that Huerta was ready to retire in favor of a neutral provisional government satisfactory to the United States, and the mediators thereupon planned to form a governmental commission of three, one to be chosen by Huerta, one by Carranza, and one by the mediators. Word to this effect was sent to Carranza, but he refused to enter such a compact, and the conference was about to disband in despair when, on June 12, Carranza sent three delegates to it: Fernando I. Calderon, Luis Cabrera, and José Vasconcelas; and the conference was continued.

Huerta's delegates argued for provisional government by an impartial commission, in order that the election might be held fairly, but the American delegates, under Wilson's orders, insisted upon a provisional government acceptable to Carranza. Finally the three mediators prescribed that a provisional government should be established by agreement between Huerta and Carranza; that the United States should at once recognize it without demanding indemnity for the Tampico incident; and that the mediating powers should also recognize it. A protocol to that effect was signed by Huerta's and Wilson's representatives, and at the beginning of July the conference adjourned. Its work soon after came to naught through Carranza's refusal to accept anything short of Huerta's unconditional surrender, or retirement. But on July 15 Huerta resigned and went to Europe, leaving Francisco Carbajal, formerly chief justice and foreign minister, to become provisional president in his place. Car-

bajal informed the Washington government that his only desire was for peace and justice, but the response was that the United States would not recognize the validity of any loans or concessions made by Huerta since October 10, 1913, and Carranza kept on with his military campaign. A month later Carranza entered the City of Mexico in triumph.

Villa, however, soon organized a revolt against Carranza, and announced that he would not make peace until Carranza was eliminated from public office and from candidacy therefor. At the beginning of November a national peace conference decreed the retirement of both Carranza and Villa, and elected Eulalio Gutierrez provisional president, and he was formally installed a month later. But the war between the Carranzistas and Villistas continued with increasing fury and devastation, involving a large part of the Mexican Republic but raging most in the north, near and along the American border. The results of Wilson's arbitrary and unreasonable refusal to recognize the actual government of Mexico, of his invasion of Vera Cruz, and of his nearly three years of "watchful waiting," were that Mexico was in a worse state of anarchy than before, that conditions along the border were more troublous and menacing, that danger of our being drawn into a war was greater than ever, and that a singularly unfortunate and in some respects disgraceful chapter of blundering was added to the history of the United States government.

The affairs of the Dominican Republic, or Santo Domingo, went pretty steadily from bad to worse after the defeat of Grant's annexation proposal, and its annals were largely filled with records of successive revolutions and increasing indebtedness. Heavy claims were preferred against the republic by the Santo Domingo Improvement Company, an American corporation, for the settlement of which an arbitration protocol was concluded on January 31, 1903. The arbitrators chosen were John G. Carlisle, formerly secretary of the treasury, for the United States; Manuel de J. Galvan for the Dominican Republic; and George Gray, justice of the United States circuit court of appeals; who, on July 14, 1904, made an award. The Improvement Company was to surrender its various properties to the Dominican Republic and withdraw from that country, and

the Dominican Republic was to pay an indemnity of $4,481,250, in convenient instalments, pledging as security the receipts at certain custom houses, which were to be administered by United States agents.

Following this came claims from other nations, until at last, in January, 1905, the United States felt bound to intervene. This country could not play the part of the dog in the manger. Either it must stand aside and let the creditors of the Dominican Republic collect their dues as best they could, or it must itself compel that republic to give them satisfaction. It naturally chose the latter course; though at the expense of provoking another discreditable display of factional spite. A special commissioner was appointed, who should serve as a general receiver of Dominican customs, to receive and administer all the customs of the republic, which receipts he should use, after paying the expenses of the receivership, for the purchase and redemption of bonds and the creation of a sinking fund for the liquidation of the indebtedness of the republic. A convention approving and confirming this arrangement was made on February 8, 1907, by Thomas C. Dawson, the American minister, and Emiliano Tejera, minister of foreign affairs, and Federico Velasquez H, minister of finance and commerce; was ratified by the Senate on February 25, and was proclaimed on July 25. The benefits of this arrangement were incalculable. Foreign creditors were reassured and satisfied; the available revenues of the island republic were greatly increased and were administered honestly and intelligently, and the republic was put on the way toward solvency and prosperity; and the temptation to insurrections and revolutions, though not altogether destroyed, was greatly diminished, since now there was no opportunity for revolutionists to seize the custom houses and the public funds. Moreover, while performing this great good, the United States incurred no expense and no responsibility. Yet so unreasoning and unpatriotic, if not actually immoral, was the spirit of faction that the United States administration was criticized and condemned in the bitterest terms for making this arrangement, and all possible opposition was made to its ratification.

Twice since the making of this convention revolutionary outbreaks in the Dominican Republic have been so severe as to re-

quire American intervention for the protection of life and property. One was in 1912, when special commissioners were sent to restore order at its custom houses. The second and more serious was in 1914, when a German cruiser went thither for the safeguarding of German interests. Several United States vessels were despatched to Dominican waters, one of which was compelled to fire upon and silence a battery of the insurgents, and American marines were landed for police duty. Three American commissioners were also sent, who succeeded in making peace between the warring factions, and in securing the holding of a general election under the observation of watchers appointed by the United States.

A hopeful attempt was made in 1907 to effect a permanent improvement in the condition of the five Central American republics, which had since their achievement of independence from Spain been subject to probably more political vicissitudes than any other part of the Western Hemisphere. The initiative was taken by Theodore Roosevelt, President of the United States, and Porfirio Diaz, President of Mexico, who in August invited the governments of Guatemala, Honduras, Salvador, Nicaragua, and Costa Rica to send delegates plenipotentiary to a conference at Washington, for the negotiation of a general treaty of peace and friendship and perhaps something more. This most admirable invitation was promptly accepted, and the conference sat at Washington from November 14 to December 20; the United States and Mexico participating only with their moral influence. The result was the negotiation and ratification of eight treaties, of peace and amity, of extradition, for a Central American court of justice, etc. It was fondly hoped that these excellent agreements would put an end to wars among those States, would largely discourage if they did not altogether prevent insurrections in them, and would confirm relations of peculiarly intimate friendship and confidence between them and the United States. Such would indeed have been their result if they had been faithfully observed in spirit and in letter.

It was, however, too much to expect so complete a change of disposition and practice to be effected at once, and it was not long before two of the republics, through a recrudescence of their intestine disorders, became involved in difficulties with this

country. President Miguel R. Davila of Honduras, in 1908, canceled the *exequaturs* of a number of consuls, including those of the United States, on the ground that they had been giving encouragement and aid to an insurrection led by an ex-president, Bonilla. The American minister, H. P. Dodge, reported after careful investigation that the consuls were innocent of the charges, and our Government consequently made sharp representations to the Honduran government upon the subject. Several times thereafter it was necessary to send an American gunboat to Honduran waters to safeguard American interests. Finally, in 1911, the finances of the republic became so badly involved, and foreign creditors became so clamorous, that President Taft thought it prudent to enter into a convention under which this country would become in a measure sponsor for the Honduran debt, which would be refunded by American bankers, while the revenues of the country would be administered by American agents, much as in Santo Domingo. Largely because of factional animosity, this beneficent arrangement failed to secure the approval of the United States Senate. Again, in February, 1912, it was necessary to land American marines for the protection of life and property.

Nicaragua was still more troubled and troublesome. In 1909 disturbed domestic conditions made disturbed foreign relations. Offenses against Americans were so numerous that in March the United States minister was withdrawn as a mark of disapproval and reproach, leaving affairs in the hands of a consul. Then the secretary of state at Washington, P. C. Knox, sent a note requesting a settlement of the so-called Emery claim, which had arisen over the annulment in 1906 of a mahogany concession which had been granted in 1898; and on May 25 a protocol for arbitration was made. A little later another revolution broke out, in the course of which the President, José S. Zelaya, had two Americans, named Groce and Cannon, put to death, in November, for alleged complicity therein. Our secretary of state on November 22 addressed to Zelaya a vigorous demand for reparation, and, that not being made, on December 1 dismissed Zelaya's representative at Washington and recognized the revolutionary government of Juan J. Estrada. It was also made known that Zelaya and his aids would be held personally re-

sponsible for the killing of the Americans, which was regarded as murder. Zelaya resigned the Presidency on December 16, however, and thus danger of serious trouble between the two countries on his account was averted. The American troops which had been landed were withdrawn; an election was held on December 20, in which José Madriz was chosen president, and diplomatic relations with the United States were placed upon a normal basis.

In 1911 President Taft secured the negotiation of a treaty similar to that made with Honduras, for the rehabilitation of Nicaraguan finances under American guardianship and direction, but the same malign influences of faction which had defeated the Honduran treaty proved fatal to this also. Nothing daunted, Taft in 1913 secured another treaty, which would give to the United States the exclusive option, for all time, of constructing a canal across Nicaragua, and also possession of a naval station on the Gulf of Fonseca and of several small islands in those waters, for the sum of $3,000,000. This would have strengthened American influences in all Central America enormously, since the Gulf of Fonseca commands the Pacific coasts of the three republics of Nicaragua, Honduras, and Salvador; and it would have debarred any other power from attempting to rival the Panama Canal with a route across Nicaragua.

Opposition, chiefly factional, was made to this treaty, and it was not acted upon by the Senate. Then, largely because of the failure of the negotiations, another revolution broke out in Nicaragua at the end of July, 1912, which made it necessary to land American marines at Corinto on August 4. A few days later similar action had to be taken at Bluefields. By August 21 eleven American vessels were off the Nicaraguan coast, and by mid-September 2350 American troops were ashore and doing some fighting, in which a number of lives were lost. Withdrawal of the forces began at the end of October, and after December 1 only a legation guard of 100 remained at Managua. This loss of life and incalculable suffering might, President Taft declared to Congress in his message that fall, have been averted, had the Senate ratified the treaty.

The following spring, with the treaty still unratified, Taft retired from office and was succeeded by Wilson, who withdrew

the treaty and substituted one which had been secured by his secretary of state, Bryan, providing for a pretty full American protectorate over Nicaragua, similar to that established over Cuba by the Platt Amendment; and this, such was the inconsistency and insincerity of factionalism, received the enthusiastic support of some Americans who had condemned Taft's proposals as savoring too much of a protectorate! The treaty was unanimously approved by both houses of the Nicaraguan congress. But Honduras and Salvador refused to make like treaties and vigorously protested against the making of this one by Nicaragua, and ultimately the project was abandoned. Then in 1914 Bryan negotiated another treaty, practically identical with that which Taft had submitted to the Senate; which was supported by some who had opposed the Taft treaty, but upon which the Senate indefinitely delayed to take action.

Venezuela might have been supposed to be bound to the United States with strong ties of friendship and confidence, on account of the intervention of this country for its protection against British aggression, in 1895. Such things counted nothing, however, with Cipriano Castro, who had become nominally president and actually dictator of that country. A serious controversy arose over certain American asphalt concessions in Venezuela, and over the arbitrary expulsion of A. F. Jaurett, the American editor of a Venezuelan paper, on a charge of having aided a rebellion against Castro. The United States sought to have the asphalt claims arbitrated, but Castro refused, in July, 1907, because it was proposed to arbitrate all claims together and he thought that they should be considered separately. Secretary Root acceded to this desire, and agreed to have them arbitrated separately, but to even this Castro objected, in March, 1908.

At about the latter date the supreme court of Venezuela undertook to dispose of the claims; giving in two cases decrees annulling the American claims, from which decrees no appeal would be allowed. The other three cases were not then decided, and Castro persisted in his refusal to arbitrate any of them. In consequence the United States in June, 1908, withdrew its minister and suspended diplomatic relations. In August the Netherlands, which had a grievance against Castro on account of his

conduct toward the Dutch islands off the Venezuelan coast, purposed to take forcible action against him, and the United States indicated that it would not object to its doing so, so long as there was no seizure of Venezuelan territory. With troubles thickening about him, beyond his power to resist, Castro in December absconded to Europe, leaving the vice-president, Juan Vincente Gomez, to hold office in his place until he should return. But a violent reaction against Castro soon arose, which made it certain that he would not be permitted to return, and Gomez at once began seeking a restoration of relations with the United States. This country was favorably responsive, William I. Buchanan was sent thither as a special commissioner, and on February 13, 1909, a protocol for settlement of all disputes was signed. Under this two of the five cases were directly settled in a manner satisfactory to the United States, and the remaining three were to be sent to The Hague unless Venezuela would come to terms on them within five months. She did thus settle two of them, and the last remaining case was sent to the court at The Hague for adjudication.

Some miscellaneous incidents of the period under consideration may be briefly recounted. In December, 1902, Great Britain and Germany presented to Venezuela an ultimatum for the payment of debts, and upon its terms not being complied with they seized the Venezuelan fleet, established a "peaceful blockade" of the coast, and bombarded Puerto Cabello. Venezuela appealed to the United States, but this country, while not approving that method of collecting debts, did not intervene since there was no seizure of territory nor attempt to change the form of government such as would have constituted a violation of the Monroe Doctrine. It did, however, use its influence toward a submission of the matter to The Hague, and this was done. A protocol to that effect was signed at Washington on February 13, 1903, and the blockade of the Venezuelan coast was raised.

Elihu Root, secretary of state, made an extensive tour through the countries of South America in 1906, and was everywhere received most cordially. The result was a marked increase of friendly interest between those countries and the United States. In 1910 the United States joined with Brazil and Argentina in mediating between Peru and Ecuador in a boundary dispute,

with the result that the case was remitted to The Hague. In 1909 this country made a demand upon Chile for settlement of the so-called Alsop claim, which had arisen in 1879, from Chile's seizure of Bolivian territory upon which a Chilean firm with American members had a lien. It was asked that Chile pay $1,000,000, or refer the case to The Hague, or let it be arbitrated by the King of England. The last mentioned course was adopted in 1911, and an award was finally made by King George V in 1912, granting about one third of the original claim. In 1912 a boundary dispute between Panama and Costa Rica was settled through American mediation; war between Hayti and the Dominican Republic was averted by our influence; and in like manner amicable relations were restored between Argentina and Bolivia. In the same year the Veterans' Association, representing the military element, in Cuba meddled so much with the civil administration that on January 16 President Taft was compelled to give warning that if such practices did not cease intervention would be necessary. This warning was effective, but in May following an uprising of Negroes occurred, as a protest against alleged discrimination against them in making appointments under the insular government. On this account two battalions of marines were sent to the island, and a considerable fleet was assembled at Key West. Early in June two battleships were sent to Guantanamo. This display of force so strengthened and encouraged the Cuban government as to enable it to suppress the rebellion.

Relations with our other protectorate of Panama continued peaceful and generally satisfactory to both parties. In 1914 a new treaty was made, under which the United States secured control of the waters of Colon and Ancon and some other advantages, and surrendered to Panama the territory known as the Savannahs, and thus gave the city of Panama direct connection with the rest of the republic without crossing a part of the Canal Zone.

After many years a little trouble arose with Morocco again, in 1904, when the semi-bandit Rais Uli kidnapped for ransom a naturalized American citizen, Ion Perdicaris. John Hay, secretary of state, at once had a naval squadron despatched to those waters, and issued an epigrammatic demand for "Perdicaris

alive or Rais Uli dead!'' To American ears this had a melodramatic sound, but it was intended for Moroccan ears, and Hay knew well that it would be immeasurably more effective there than any more formal and circumlocutory message; as it was. Perdicaris was soon released. Liberia, always a semi-protectorate of the United States, in 1909 asked for American help in rehabilitating its government, which had fallen into discredit, and a commission was sent thither for that purpose.

Relations with Europe were marked with few incidents of significance beyond those already mentioned. In 1902 Prince Henry of Prussia, brother of the German emperor, visited this country and was received with all possible cordiality and distinction. During his stay here great impetus was given to the organization of a great German-American National League, which in subsequent years played an important part in international politics. In the fall of that year Secretary Hay addressed a note to the powers signatory to the Berlin treaty of 1878, concerning the oppression of the Jews in Rumania. In 1907, after a long controversy, the United States secured from Turkey equal rights with other powers for the schools and other institutions conducted by its citizens in that empire, and in 1910 it secured for those institutions the right to acquire and own land. In 1909 changes in the United States tariff led to the negotiation of commercial agreements with France, Germany, and other countries, which were completed in the following year.

The year 1912 was marked with a highly interesting extension of the principles of the Monroe Doctrine. Occasion was given for this by the rumors of Japanese aggressions at Magdalena Bay, in Mexico, to which reference has already been made. The Senate in April asked the President for information on the subject, and in reply was assured, on the highest authority, that neither the Japanese government nor any Japanese corporation had acquired, or had ever attempted or purposed to acquire, any land at Magdalena Bay for any purpose. An American syndicate, however, had been attempting to sell to Japanese citizens some tracts of land in that region, but had been estopped from continuing those efforts by an intimation from the state department that such a transaction would not be pleasing to our Government. The accuracy of this report from the state depart-

ment was amply confirmed by senatorial investigation, whereupon, on July 31, by the overwhelming vote of 51 to 4, the Senate adopted the following resolution, on motion of Henry Cabot Lodge, of Massachusetts:

"Resolved: That when any harbor or other place in the American continents is so situated that the occupation thereof for naval or military purposes might threaten the communications or the safety of the United States, the Government of the United States could not see without grave concern the possession of such harbor or other place by any corporation or association which has such a relation to another government, not American, as to give that government practical power or control for national purposes."

This resolution was criticized by some in the United States as futile if not impertinent; but it was heartily approved by the majority of thoughtful Americans, and in Europe it was taken with sufficient seriousness to cause the suspension or abandonment of various grandiose schemes of corporate exploitation.

XXXVI

WAR AND PEACE

IN the midst of peace we are in war. Or perhaps the converse is more apt. The closing years of the nineteenth century and the opening years of the twentieth conspicuously formed an era of wars; more marked than any that the world had known before for more than fourscore years. Europe had indeed suffered several important wars, though chiefly involving only four or five nations, and the United States had had one gigantic civil war and one minor war of aggression and conquest against a small and weak neighbor. But this later era, within the space of a single generation, besides innumerable petty wars, saw great conflicts involving four continents and the islands of the sea, with a majority of the principal nations of the world as direct participants. There were the British war in Egypt and the Soudan, the war between China and Japan, between America and Spain, between Great Britain and the Boers, between Russia and Japan, the Boxer war in China, the two Balkan wars, civil war in Mexico, and the War of the Nations which seemed to cast the whole world into the melting-pot. In the twenty-one years from 1894 to 1914 there were at least ten great wars, implicating twenty-three nations and their possessions in practically every quarter of the globe.

Yet in no other period of the history of the world were agencies of peace, particularly for the permanent assurance of peace through the arbitration of disputes, so active, so energetic, and so profusely productive of proposals and treaties. In the course of a dozen years there were as many international irenic conventions as in the century before. The preceding century was, indeed, the first century of anything like arbitration in the present meaning of the term. In the development of that beneficent system the Anglo-Saxon nations took the initiative; particularly the United States. Washington, Franklin, Hamil-

ton, and Jay were the pioneers. Wrote Franklin in 1780 to his friend Price: "We daily make great improvements in natural, there is one I wish to see in moral, philosophy; the discovery of a plan that would induce and oblige nations to settle their disputes without first cutting one another's throats. When will human reason be sufficiently improved to see the advantage of this?" He died too soon to see the first practical establishment of such a plan, though it followed soon. Jay made with Grenville in 1794 the epochal treaty which forever bears his name; the treaty which more than any other marks the definite line of demarcation between the age of force and the age of law and reason in international disputes.

Let us recall the circumstances, as a reminder of the greater advance which men had made at the end of the eighteenth century than at the beginning of the twentieth. The peace treaty of 1783 had left a legacy of disputes, largely concerning boundary lines. Jay negotiated for their settlement through arbitration. At once there arose a storm of opposition, detraction, and blind rage such as the nation has scarcely seen equaled. Partly because of greater readiness to fight than to reason, partly because of alien influences which caused inordinate sympathy with France and corresponding hatred of England, the mass of the nation rose against it. Many were opposed to negotiations over any of the points at issue, preferring to fight them out. But even those who would so far "cater to morality" as to settle mere money disputes by peaceful negotiations raged like demons against such disposition of boundary controversies. They swore that they would never submit to arbitration the fate of any territory to which they laid claim; it would be tantamount to consenting to dismemberment of the Union. Amid such sound and fury the words of Hamilton spoke pure reason:

"It would be a horrid and destructive principle, that nations could not terminate a dispute about the title to a particular piece of territory by amicable agreement, or by submission to arbitration as its substitute, but would be under an indispensable obligation to prosecute the dispute by arms, till real danger to the existence of one of the parties would justify, by the plea of extreme necessity, a surrender of its pretensions."

Yet for those words a mob of American citizens tried to mur-

der Hamilton! And there was an echo of that mob's ferocity in some of the factional vilification which was poured upon John Hay, more than a century later, for being willing to submit to arbitration the question of title to some small fractions of our Alaskan territory. Happily, Washington stood firmly for the treaty, and secured its ratification. Under it the boundary line between Maine and Nova Scotia, some claims of British subjects against the United States, and counterclaims of Americans against Great Britain, were submitted to a mixed commission for determination. Thus was the modern practice of arbitration begun. In the century which followed the United States was a party to between fifty and sixty individual acts of arbitration, or nearly half of all in the world. The most important of these have been described in these pages.

Beneficent as these acts of arbitration were, and great as was the advance thus marked in the conduct of international affairs, there was yet one thing lacking. These acts were sporadic, not systematic. We were doing the thing which Franklin had desired, but we were doing it merely as separate occasions demanded and not through the operation of a fixed and organized system. No general and permanent plan of international arbitration was made until the penultimate year of the nineteenth century, and no arbitration treaty for more than a special case was made by the United States with any power until the twentieth century was well begun. There were, it is true, suggestions of such a system. The state senate of Massachusetts in 1832 adopted a resolution in which the opinion was expressed that some mode should be established for the final and amicable adjustments of all international disputes instead of resorting to war. A few years later the legislatures of Massachusetts and Vermont took action recommending the convocation of an international congress for the purpose of establishing an international court of arbitration. Nor was the national legislature backward. The senate committee on foreign relations in 1851 reported a resolution to the effect that "it would be proper and desirable for the Government of these United States, whenever practicable, to secure in its treaties with other nations a provision for referring to the decision of umpires all future misunderstandings that cannot be satisfactorily adjusted by amicable negotiation in the

first instance, before a resort to hostilities shall be had." Again, in 1853, a similar resolution of advice to the President was reported. Charles Sumner in 1872 introduced into the Senate a resolution proposing the establishment of an international tribunal which should be "a complete substitute for war," and declaring that refusal to accept its decisions should be regarded as hostile to civilization. The House of Representatives, though not a part of the treaty-making power, in 1874 adopted a resolution favoring general arbitration. The Swiss government in 1883 sought the making of a general arbitration treaty with the United States, and submitted to the secretary of state, Frelinghuysen, a proposed draft thereof; but the negotiations were never completed.

A general arbitration treaty between the United States and Great Britain was next proposed. Some two hundred and thirty-five members of the British House of Commons addressed to the President and Congress a communication in favor of such an act, and this was reinforced by innumerable petitions and memorials from Americans in all parts of the Union. It had, however, no other result than a joint resolution of Congress, requesting the President "to invite, from time to time, as fit occasions may arise, negotiations with any Government with which the United States has or may have had diplomatic relations, to the end that the differences or disputes arising between the two Governments which cannot be adjusted by diplomatic agency may be referred to arbitration, and be peaceably adjusted by such means." This was adopted as a concurrent resolution by the Senate on February 14 and by the House on April 3, 1890. A fortnight after the latter date the secretary of state, Blaine, referred to the plan of peaceful adjudication adopted by the first Pan-American Congress, in these words:

"If, in this closing hour, the conference had but one deed to celebrate, we should dare call the world's attention to the deliberate, confident, solemn dedication of two great continents to peace. We hold up this new *Magna Charta,* which abolishes war and substitutes arbitration between the American republics, as the first and great fruit of the International American Conference."

The British House of Commons on July 16, 1893, adopted a

resolution expressing satisfaction and pleasure at that which had been adopted by Congress in 1890, and hoping that her Majesty's government would lend its ready coöperation for the attainment of the desired end; which President Cleveland reported to Congress in his message of the following fall. Negotiations followed, which, after some interruption and delay, resulted in the signing of a general treaty of arbitration between the two countries in January, 1897; which the Senate unhappily refused to ratify, though lacking only two votes for the needed two-thirds. Meantime, in July, 1895, the French Chamber of Deputies unanimously adopted a resolution inviting the French government to negotiate a similar treaty with the United States.

The sources of opposition to the British arbitration treaty of 1897, and to other proposals to the same end, may be briefly recounted. One, affecting only the British treaty, was political faction which, catering to and seeking to win the votes of naturalized citizens who cherished animosity against England, opposed anything which would cultivate closer or more friendly relations with that country. Another was a fear that in some possible arbitral proceeding the United States might meet with an adverse decision. "Heads, we win; tails, you lose," was the attitude of numerous statesmen toward the world; and accordingly they insisted that while the treaty was nominally general in its terms, it must permit the Senate to pass upon the arbitrability of each issue that arose, and must require a special treaty to be negotiated in each case. That would, of course, leave us practically where we were before, the treaty thus being made to amount to nothing more than a promise that, if the Senate saw fit, we would negotiate a treaty for arbitrating any dispute which might arise, so long as it did not involve the honor, vital interests, or independence of this country. Of this latter question the Senate was in each case to be the judge; with a possibility if not a strong probability that any case which that body did not feel perfectly sure of winning would be regarded as involving our honor or vital interests and would therefore be withheld from arbitration.

A new chapter was opened in the history of international arbitration in 1899. In August of the preceding year, just as our war with Spain was drawing to a close, the Czar of Russia

issued to all nations having diplomatic representation at his court invitations to participate in an international conference to be held at The Hague at some time convenient to the Government of the Netherlands. The restriction excluded the republics of Central and South America, leaving the United States and Mexico to be the only American States represented. The czar in his invitation dwelt upon the oppressive burdens of militarism in maintaining an armed peace, and suggested as a leading topic for consideration the practicability of limiting the progressive increase of land and naval armaments. For this reason the press of Europe promptly dubbed—and half discredited—it as a "Disarmament Conference." In the end, however, that phase of its deliberations dropped into comparative insignificance. The complete agenda of the conference, as set forth by Count Muravieff, the Russian foreign minister, was as follows:

"1. An understanding not to increase for a fixed period the present effective of the armed military and naval forces, and, at the same time, not to increase the budgets pertaining thereto, a preliminary examination of the means by which a reduction might even be effected in future in the forces and budgets above mentioned.

"2. To prohibit the use in the armies and fleets of any new kind of firearms whatever, of any new explosives or any powders more powerful than those now in use either for rifles or cannon.

"3. To restrict the use in military warfare of the formidable explosives already existing, and to prohibit the throwing of projectiles or explosives of any kind from balloons or by any similar means.

"4. To prohibit the use in naval warfare of submarine torpedo boats or plungers, or other similar engines of destruction; to give an undertaking not to construct vessels with rams in the future.

"5. To apply to naval warfare the stipulations of the Geneva Convention of 1864, on the basis of the articles added to the Convention of 1868.

"6. To neutralize ships and boats employed in saving those overboard during or after an engagement.

"7. To revise the declaration concerning the laws and cus-

toms of war elaborated in 1874 by the Conference of Brussels, which has remained unratified to the present day.

"8. To accept in principle the employment of the good offices of mediation and facultative arbitration in cases lending themselves thereto, with the object of preventing armed conflicts between nations; an understanding with respect to the mode of applying these good offices, and the establishment of a uniform practice in using them."

The United States was, of course, one of the twenty-six States which participated in the conference; providing six of the one hundred delegates. These were: Andrew Dickson White, ambassador to Germany and one of the most eminent of American diplomats; Seth Low, president of Columbia University; Stanford Newel, minister to the Netherlands; Captain William Crozier, one of the most expert officers of the ordnance department of the army; Captain Alfred T. Mahan, a distinguished naval officer and the historian of "The Influence of Sea Power"; and Frederick William Holls, an international lawyer, who was commissioned as secretary to the delegation but who was regarded as a full member of it.

The attitude of the United States government toward the conference and its program was set forth authoritatively by the secretary of state, John Hay, in his instructions to the delegates. He said:

"It is understood that all questions concerning the political relations of States and the order of things established by treaties, as in general all the questions which shall not be included directly in the program adopted by the cabinets, should be absolutely excluded from the deliberations of the Conference.

"The first article, relating to the non-augmentation and future reduction of effective land and sea forces, is, at present, so inapplicable to the United States that it is deemed advisable for the delegates to leave the initiative upon this subject to the representatives of those powers to which it may properly belong. In comparison with the effective forces, both military and naval, of other nations, those of the United States are at present so far below the normal quota that the question of limitation could not be profitably discussed.

"The second, third, and fourth articles, relating to the non-

employment of firearms, explosives, and other destructive agents, the restricted use of existing instruments of destruction, and the prohibition of certain contrivances employed in naval warfare, seem lacking in practicability, and the discussion of these propositions would probably prove provocative of divergence rather than unanimity of views. It is doubtful if wars are to be diminished by rendering them less destructive, for it is the plain lesson of history that the periods of peace have been longer protracted as the cost and destructiveness of war have increased. The expediency of restraining the inventive genius of our people in the direction of devising means of defense is by no means clear, and, considering the temptations to which men and nations may be exposed in a time of conflict, it is doubtful if an international agreement to this end would prove effective. The dissent of a single powerful nation might render it altogether nugatory. The delegates are, therefore, enjoined not to give the weight of their influence to the promotion of projects the realization of which is so uncertain.

"The fifth, sixth, and seventh articles, aiming in the interest of humanity to succor those who by the chance of battle have been rendered helpless, thus losing the character of effective combatants, or to alleviate their sufferings, or to insure the safety of those whose mission is purely one of peace and beneficence, may well awake the cordial interest of the delegates, and any practicable propositions based upon them should receive their earnest support.

"The eighth article, which proposes the wider extension of good offices, mediation and arbitration, seems likely to open the most fruitful field for discussion and future action. 'The prevention of armed conflicts by pacific means,' to use the words of Count Muravieff's circular of December 30, is a purpose well worthy of a great international convention, and its realization in an age of general enlightenment should not be impossible. The duty of sovereign States to promote international justice by all wise and effective means is only secondary to the fundamental necessity of preserving their own existence. Next in importance to their independence is the great fact of their interdependence. Nothing can secure for human government and for the authority of law which it represents so deep a respect

and so firm a loyalty as the spectacle of sovereign and independent States, whose duty it is to prescribe the rules of justice and impose penalties upon the lawless, bowing with reverence before the august supremacy of those principles of right which give to law its eternal foundation.

"The proposed conference promises to offer an opportunity thus far unequaled in the history of the world for initiating a series of negotiations that may lead to important practical results. The long-continued and widespread interest among the people of the United States in the establishment of an international court gives assurance that the proposal of a definite plan of procedure by this Government for the accomplishment of this end would express the desires and aspirations of this nation. The delegates are, therefore, enjoined to propose, at an opportune moment, the plan for an international tribunal, hereunto attached, and to use their influence in the conference in the most effective manner possible to procure the adoption of its substance or of resolutions directed to the same purpose. It is believed that the disposition and aims of the United States in relation to the other sovereign powers could not be expressed more truly or opportunely than by an effort of the delegates of this Government to concentrate the attention of the world upon a definite plan for the promotion of international justice.

"Since the conference has its chief reason of existence in the heavy burdens and cruel waste of war, which nowhere affect innocent private persons more severely or unjustly than in the damage done to peaceable trade and commerce, especially at sea, the question of exempting private property from destruction or capture on the high seas would seem to be a timely one for consideration. As the United States has for many years advocated the exemption of all private property not contraband of war from hostile treatment, you are authorized to propose to the conference the principle of extending to strictly private property at sea the immunity from destruction or capture by belligerent powers which such property already enjoys on land, as being worthy of being incorporated in the permanent law of civilized nations."

The conference met at The Hague on May 18, 1899, and Baron de Staal of Russia was chosen to preside over its delibera-

tions. The American delegates, of whom White was chairman, were appointed on the three general committees as follows: The Committee on Disarmament, White, Mahan, and Crozier; the Committee on Laws of War, White, Newel, Mahan, and Crozier; the Committee on Arbitration, White, Low, and Holls. A few days after the opening strong opposition was manifested by various delegates to even so much as consideration of the American proposal for the exemption of private property at sea equally with that on land from belligerent seizure or destruction. The American delegates were resolute, however, and on July 5 the conference agreed to admit the proposal to discussion. Determination of it was ultimately postponed to a future conference.

The most important of all items in the agenda was that relating to arbitration. The American and British delegations each submitted on May 31 a plan for the establishment of a permanent international tribunal, the two differing widely in some important particulars; and after some days of discussion the British plan was adopted as the basis of action. This scheme, and indeed the entire suggestion of arbitration, was stoutly opposed by the German delegates, under the orders of the emperor, who had a short time before decried the notion of disarmament, declaring that a great army was the best guarantee of peace, and who appointed as a delegate to the conference Baron de Stengel, who had just written a book ridiculing the notion of any other supreme power than that of military force. Germany, moreover, was conspicuous as a nation which had never submitted any dispute to arbitration. It is probable that Germany's opposition, at first quite inflexible, would have defeated all attempts to constitute an arbitral tribunal, had it not been for the chairman of the American delegation. Andrew D. White, as ambassador at Berlin, was *persona grata* to the German emperor, and his appeal to that monarch was effective. German opposition was finally withdrawn, and an international tribunal of arbitration was created. An agreement was also entered into, binding the signatory powers, before declaring war, to seek the good offices or mediation of one or more friendly and neutral powers. To the formulation of this agreement the secretary of the American delegation, F. W. Holls, made an important contribution, and to the

adoption of it the entire American delegation lent its utmost influence.

The Convention for the Pacific Settlement of International Disputes, as thus concluded, largely through American influence, at The Hague on July 29, 1899, was ratified by the United States Senate on February 5, 1900, and was proclaimed on November 1, 1901. It comprised four titles: Maintenance of General Peace; Mediation; International Commissioners of Inquiry; and International Arbitration. Its provisions under all these were in exact accord with the long-established policy and practice of this country. Nevertheless it was deemed prudent for the American delegates, before signing the treaty, to append this reservatory declaration:

"Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign State; nor shall anything in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions."

This declaration was unhesitatingly acquiesced in by the other powers, even by those which, like Germany, had never accorded any recognition to the Monroe Doctrine. The propriety of it was obvious; to Americans the necessity of it was imperative. The United States was willing and eager to give, in Jefferson's phrase, peace and honest friendship to all, but it would enter into entangling alliances with none; and while engaging to this extent in the general affairs of the world, it did not in the least degree abandon its own individual and peculiar policy of political aloofness from Europe and of reservation of American affairs for American settlement. The latter did not mean, however, that European mediation and arbitration would be refused in American controversies, seeing that such recourse had been made by this country, and by other American States with the hearty approval of the United States, on various occasions before the conference at The Hague.

There were also made at The Hague, with the cordial participation of the United States, conventions with respect to the laws

and customs of war on land, and for the adaptation to maritime warfare of the principles of the Geneva Convention of 1864, and a declaration as to the launching of projectiles and explosives from balloons.

The Hague treaty did not require any power to submit any dispute to arbitration. It was at first proposed to make the arbitration at least of certain classes of cases obligatory, but the design was dropped because of the irreversible opposition of Germany. Nevertheless within five years after its conclusion no fewer than thirty-three treaties in pursuance of the principles adopted at The Hague were made among European powers, obligating the signatories to submit to the adjudication of the Permanent Tribunal of Arbitration disputes over matters of law or over the interpretation of treaties, provided that they did not involve the vital interests, independence, or honor of the disputant States. Even Germany, despite her opposition to the proposal in the convention, made one of these treaties, namely, with Great Britain. France entered into seven, Great Britain ten, Spain five, Italy four, Austria-Hungary two, Denmark seven, Belgium six, Sweden and Norway as one power five, and as separate powers one each (with each other), the Netherlands three, Switzerland six, Portugal two, Russia three, and Greece one. Two of these, between Denmark and the Netherlands, and between Denmark and Italy, provided for obligatory arbitration of all differences, without exception or reservation.

The United States was not, of course, to be outdone by European powers in pursuing its own policy. Secretary Hay on November 1, 1904, made with the French ambassador at Washington a treaty almost identical with those which were being made in Europe, and a little later he made like treaties with Germany, Great Britain, Portugal, and Switzerland; while Mexico, Italy, Russia, and other countries signified their readiness to enter into the same relations with the United States. Several of these treaties were sent to the Senate for ratification in December, 1904, but strong opposition was manifested to them, or to certain features of them. Some senators from those Southern States which had many years before repudiated their bonds were afraid that the treaties would permit foreign governments, in behalf of their subjects who held those bonds, to sue

for payment; and Senator Bacon of Georgia insisted upon amending the treaties so as to prohibit arbitration of any claim against any individual State of this Union.

Then a still more serious objection was raised. The treaties provided that in each individual case of arbitration the two disputant powers, before making appeal to the court at The Hague, should "conclude a special agreement defining clearly the matter in dispute." The President and secretary of state understood "agreement" to mean a compact or understanding entered into by them in behalf of the United States without reference to the Senate for its approval. Precisely such agreements had been made before, no fewer than fifteen times in thirty years, and the Executive naturally assumed that the practice was to continue. But the Senate was jealous of what it conceived to be its constitutional prerogatives, and upon them it deemed this interpretation of the term "agreement" to be an infringement. It therefore insisted, by the overwhelming vote of 50 to 9, upon amending the instruments by substituting the word "treaty" for "agreement"; a treaty, of course, having to be submitted to the Senate for its ratification. This amendment was considered by the southern senators as a sufficient safeguard against suits against the States, and they were in consequence willing to drop the amendment upon which Bacon had been insisting.

The President, Roosevelt, strongly resented this amendment, which he described as a step backward; and upon its adoption he announced his refusal to refer the treaties to the other powers for their ratification. Yet he was himself probably responsible, in great measure, for the Senate's action. He had shortly before entered into the fiscal protectorate over the Dominican Republic which was described in the preceding chapter, without consulting the Senate and even without its knowledge. Information of this had just reached the Senate when the arbitration treaties came before it, and that body felt strongly that there was danger that the President would exceed the limitations imposed upon his powers by the Constitution and would usurp senatorial functions. For that reason it determined to insist upon its own participation in the making of agreements for arbitration. Against the fact, already cited, that on fifteen occasions agreements had been made by the President alone,

it pointed to the fact that before that time forty-four special arbitration treaties had been submitted to it, of which it had ratified thirty-seven without amendment and six with amendments, and had rejected only one. The general judgment of the country was that the Senate was justified in the stand which it took in this case, and there was much regret at the action of the President in repudiating the amended treaties and permitting them to fail.

Four cases were soon submitted to the International Tribunal at The Hague, in three of which the United States was directly interested. The first was the dispute with Mexico over the "Pious" fund, an account of which case and its settlement has already been given. The second had to do with the question whether Germany, Great Britain, and Italy, by their intervention in Venezuela in 1902 for the settlement of claims, had acquired any rights which other claimants did not possess. In this the United States was much interested, partly because the intervention had been made with its consent, and partly because it was itself one of the chief non-intervening claimants against Venezuela. The decision of the tribunal was in favor of the three intervening powers, that they had become preferred creditors, the justice of whose claims had been recognized by Venezuela. The other powers had not secured such recognition of their claims, but their rights had not been in any respect impaired, and they had received some benefit from the intervention by the three. The third case, in which the United States was interested, was to determine whether Japan had a right to tax buildings which foreigners had erected on land held by them under perpetual leases. The litigants were Great Britain, Germany, and France against Japan; the United States being equally interested in the result but remaining out of the litigation on the strength of Japan's promise that it would receive the same treatment as the others under the verdict. The decision was that the buildings were not subject to taxation. The fourth case was a dispute between Great Britain and France over their relations with Muscat and Zanzibar; in which the United States had no interest.

Out of the Venezuelan case which has just been mentioned arose a result of very great interest, in the promulgation of the

so-called Calvo or Drago doctrine. When the three European powers asked the permission of the United States to intervene in Venezuela for the enforcement of their claims, President Roosevelt unhesitatingly granted it. He assumed, indeed he was convinced, that their claims were just; and he had a certain animosity toward Venezuela because of that State's bad conduct toward this country. He therefore expressed the opinion that the proposed intervention would be no violation of the Monroe Doctrine, so long as it did not take the form of the acquisition of territory by any non-American power. In that he was technically quite right; or would have been with the addition of interference with an American government as something which must not be comprised in the intervention. Nevertheless the implied approval of or at least acquiescence in the forcible collection of pecuniary claims created an unpleasant impression, and was not permitted to pass without a challenge which marked something like an epoch in international law.

Luis M. Drago, the minister for foreign affairs of Argentina, made the challenge, in a vigorous note of protest on December 29, 1902. In this he quoted from the "International Law" of Carlos Calvo of Argentina, perhaps the most distinguished and authoritative publicist and international jurist South America has produced, and one of the foremost in the world. In that work Calvo laid down the principle that a State had no right to take up, even as a matter of diplomatic action, the pecuniary claims of its citizens or subjects against another State. Drago, in citing this, somewhat narrowed its purport, so as to make it forbid merely the use of force for the collection of such claims. The doctrine thus enunciated is sometimes called by the name of Calvo, and sometimes by that of Drago. As a matter of fact the Drago doctrine is merely a part of the Calvo doctrine. The former forbids the forcible collection of pecuniary claims; the latter forbids any attempt by a State to collect them in any way, diplomatic or military.

The Calvo doctrine presents a striking contrast to the general practice of the world. Practically all the nations of Europe, and the United States with them, have held that while governments are not obligated to take up, even diplomatically, such claims of their citizens or subjects, but are free to act accord-

ing to their own estimate of the individual merits of each case, they have an unquestioned right to employ diplomatic processes for the satisfaction of claimants, and in some cases even to use force. This view of the matter was set forth for the British government with much detail by Lord Palmerston, in 1848, and has been substantially accepted by most countries as international law. But Drago's reënunciation of Calvo's contrary view, in 1902, created a profound impression, particularly in the United States, which has since been perceptibly gaining strength among thoughtful and judicial-minded students of international law; and at the second Hague Congress, in 1907, the delegates from the United States advocated the adoption of a modified form of the Calvo doctrine as a rule for the government of all nations.

The initiative toward convening that second Hague Congress was taken by the United States. A meeting of the Interparliamentary Union—a voluntary international organization of members of national legislatures, for the purpose of promoting arbitration, peace, and cordial intercourse among the nations—was held at St. Louis, Missouri, in 1904, and at it resolutions were adopted urging extension of the practice of arbitration. These were laid before President Roosevelt, who was moved thereby to send through Secretary Hay a note to the principal ambassadors and ministers of the United States, directing them to sound the Governments to which they were accredited concerning the desirability and practicability of holding another congress at The Hague. This was in October, 1904. The responses to the note were not encouraging, largely because the war then raging between Russia and Japan made it seem impracticable to form such a gathering at that time; and it was thought that even a proposal for one would have the appearance of an attempt to influence the belligerents in some way.

But soon after the ending of that war by the treaty of Portsmouth the further leadership in reconvening the congress was transferred by Roosevelt to the Russian emperor, with the result that that sovereign presently issued to the nations of the world, without the restriction of the former gathering, an invitation to meet again at The Hague for the purpose of further prosecuting the humanitarian work which had been auspiciously begun in 1899. The invitation was accepted by no fewer than forty-

six nations, one-third of the number being composed of States of Central and South America which had been debarred from the first congress. The Russian government proposed the following program of topics:

"1. Improvements to be made in the provisions of the convention relative to the peaceful settlement of international disputes as regards the Court of Arbitration and the international commissions of inquiry.

"2. Additions to be made to the provisions of the Convention of 1899 relative to the laws and customs of war on land —among others, those concerning the opening of hostilities, the rights of neutrals on land, etc. Declarations of 1899. One of these having expired, question of its being revived.

"3. Framing of a convention relative to the laws and customs of maritime warfare, concerning—

"The special operations of maritime warfare, such as the bombardment of ports, cities and villages by a naval force; the laying of torpedoes, etc.

"The transformation of merchant vessels into war ships.

"The private property of belligerents at sea.

"The length of time to be granted to merchant ships for their departure from ports of neutrals or of the enemy after the opening of hostilities.

"The rights and duties of neutrals at sea; among others, the questions of contraband, the rules applicable to belligerent vessels in neutral ports; destruction, in cases of *vis major,* of neutral merchant vessels captured as prizes.

"In the said convention to be drafted, there would be introduced the provisions relative to war on land that would be also applicable to maritime warfare.

"4. Additions to be made to the Convention of 1899 for the adaptation to maritime warfare of the principles of the Geneva Convention of 1864."

Several of the nations accepted this agenda with reservations. Thus the British government reserved the right to raise the question of limitation of expenditures for armaments, which it regarded as of much importance; Spain expressed a desire to discuss the limitation of armaments; and the United States reserved for itself the liberty of submitting to the congress

two additional topics: One concerning the reduction or at least the limitation of armaments, and the other concerning an agreement to observe some limitations upon the use of force for the collection of ordinary public debts arising out of contracts—a modified form of the Drago version of the Calvo doctrine. Elihu Root, then secretary of state, gave elaborate instructions to the American delegates concerning the course which they should pursue and the attitude which they should assume toward the various topics. They were always to be mindful of the fact that the object of the congress was agreement, not compulsion. The policy of the Monroe Doctrine, to avoid entangling alliances and to refrain from any interference or participation in the political affairs of Europe, was to be carefully maintained. The question of limitation of armaments was to be regarded as unfinished business, and they were to seek the adoption of some practicable formula for fulfilling the wish for such limitation which was expressed at the first congress.

Upon the subject of the collection of debts, which the United States had reserved the right to bring before the congress, Root said:

"It has long been the established policy of the United States not to use its army and navy for the collection of ordinary contract debts due to its citizens by other Governments. This Government has not considered the use of force for such a purpose consistent with that respect for the independent sovereignty of other members of the family of nations which is the most important principle of international law and the chief protection of weak nations against the oppression of the strong. It seems to us that the practice is injurious in its general effect upon the relation of nations and upon the welfare of weak and disordered States, whose development ought to be encouraged in the interests of civilization; that it offers frequent temptation to bullying and oppression and to unnecessary and unjustifiable warfare. It is doubtless true that the non-payment of such debts may be accompanied by such circumstances of fraud and wrongdoing or violation of treaties as to justify the use of force; but we should be glad to see an international consideration of this subject which would discriminate between such cases and the simple non-performance of a contract with a private person, and a reso-

lution in favor of reliance upon peaceful means in cases of the latter class.

"The Third International Conference of the American States, held at Rio de Janeiro in August, 1906, resolved:

" 'To recommend to the Governments therein that they consider the point of inviting the Second Peace Conference at The Hague to examine the question of the compulsory collection of public debts, and, in general, means tending to diminish between nations conflicts having a peculiarly pecuniary origin.'

"You will ask for the consideration of this subject by the Conference. It is not probable that in the first instance all the nations represented at the Conference will be willing to go as far in the establishment of limitations upon the use of force in the collection of this class of debts as the United States would like to have them go, and there may be serious objection to the consideration of the subject as a separate and independent topic. If you find such objections insurmountable, you will urge the adoption of provisions under the head of arbitration looking to the establishment of such limitations. The adoption of some such provision as the following may be suggested, and, if no better solution seems practicable, should be urged:

" 'The use of force for the collection of a contract debt alleged to be due by the Government of any country to a citizen of any other country is not permissible until after—

" '1. The justice and amount of the debt shall have been determined by arbitration, if demanded by the alleged debtor.

" '2. The time and manner of payment, and the security, if any, to be given pending payment, shall have been fixed by arbitration, if demanded by the alleged debtor.' "

The delegates were, of course, to use their best efforts for the promotion of arbitration, especially along the lines indicated in the general arbitration treaties which this Government had negotiated, and which had failed of acceptance only because of a domestic disagreement which bore no relation whatever to the general principles involved. They were to seek a development of the Permanent Tribunal into a court composed of judges who were judicial officers and nothing else, so that it would be a true international court of law. They were to maintain the traditional policy of the United States concerning the immunity

of private property of belligerents at sea; a policy first expressed in our treaty of 1785 with Prussia, and uniformly adhered to down to 1904, when Congress adopted a resolution requesting the President to seek, through international agreement, the incorporation "into the permanent law of civilized nations the principle of the exemption of all private property at sea, not contraband of war, from capture or destruction by belligerents." They were to urge upon the congress the formulation of international rules for war at sea, and were to give the most thoughtful consideration to the clause of the program relating to the rights and duties of neutrals.

The American delegates were: Joseph H. Choate, formerly ambassador to Great Britain; General Horace Porter, formerly ambassador to France; Uriah M. Rose of Arkansas, a distinguished jurist; David J. Hill, minister to the Netherlands; General George B. Davis, judge advocate general of the United States army and an authority on international law; Rear-Admiral Charles S. Sperry of the United States navy; and William I. Buchanan, formerly minister to Argentina and arbitrator between Argentina and Chile. The secretary was Chandler Hale, who had been secretary of the embassy at Vienna. The congress lasted from June 15 to October 18, 1907.

The United States took the lead in moving for the establishment of a permanent tribunal which should be for adjudication rather than arbitration, but permitted Germany to present the concrete plan which was to form the basis of discussion. The German scheme was intricate, and would have resulted in the constitution of the court in each case by the disputants themselves, and their friends. Russia put forward a scheme which provided for a yearly meeting of the existing Permanent Arbitration Court, at which by secret ballot three judges should be chosen to be immediately available for any suit which might be presented. Numerous other plans were also suggested, and a long controversy ensued. Germany, Great Britain, and other great powers sought to have their judges, at least eight in number, always on the bench, with the smaller powers represented by groups, or in rotation. To this the United States demurred. It urged that all nations should be equal before the court, as they were assumed to be in law, and that each should

have one vote in the court. The former plan ultimately prevailed, with some modification. Germany, Great Britain, France, Austria-Hungary, Italy, Russia, Japan, and the United States were each to have a permanent judge on the bench; and of the other judges, one appointed by each of the other powers, seven were to sit in rotation, being chosen according to the maritime importance of the countries which they represented.

The American delegates supported, after some hesitation, the French proposal, that before the beginning of hostilities there must be an explicit ultimatum and notification to neutrals; which was adopted. They also supported the British proposal for the prohibition of all mines in naval warfare; which was adopted only in respect to drifting automatic contact mines. The Americans also, of course, brought forward a resolution for the exemption of private property at sea from capture or destruction; excepting contraband of war and goods on blockade runners. The Central and South American States all gave this their support, and so did Germany give hers; but Great Britain was inflexibly opposed to it. On the other hand the United States wished to enlarge the definition of contraband so as to extend the right of search and seizure, while Great Britain urged the entire abolition of contraband and therefore the surrender of the right of search. The outcome of these disagreements was that the whole matter was left undetermined.

General Porter introduced for the American delegation the Drago version of the Calvo doctrine, and urged with great skill and power its adoption as a rule of international law; citing in its support an impressive array of British statesmen. The gratifying outcome was not, indeed, a complete acceptance of the principle, but a long step in that direction, in the adoption of an agreement "to take no military or naval action to compel the repayment of such debts until an offer of arbitration has been made by the creditor and refused or left unanswered by the debtor, or until arbitration has taken place and the debtor State has failed to conform to the declaration given." Toward disarmament, or the limitation of armaments, nothing was accomplished; and the outcome of the deliberations over the extension of arbitration was similarly fruitless. General Porter introduced and the American delegation supported a proposal for an agree-

ment on the lines of the general arbitration treaties which this country had negotiated; for submitting to arbitration as a matter of obligation questions not affecting the vital interests, independence, or honor of either contestant, the parties in advance to adopt protocols which were to be ratified according to their respective laws. This failed of adoption, and indeed nothing was adopted on the subject save an amiable expression of lofty sentiments; for which the American delegates refused to vote, the chairman, Choate, declaring that this refusal was justifiable because of "the unworthiness of this feeble result of the Arbitration Commission's work." Fourteen separate treaties were made at the congress, all of which were ratified by the United States Senate, with the same proviso or reservation which was appended with their signatures by the American delegates in making the treaty at the first Hague Congress.

The year preceding the second of the conferences at The Hague was marked with an extraordinary participation of the United States in European diplomacy, which more nearly than anything else in our history approximated to the "entangling alliances" which it has ever been our policy to avoid, and which, in less expert and adroit hands, might have been made tantamount to a serious if not fatal compromising of the Monroe Doctrine. There is, indeed, reason for suspecting that this result was desired and expected by at least one of the great European powers concerned, and that it was with such an object in view that the United States was drawn into what was essentially a European congress concerned with a European controversy.

For years Morocco had been a source of vexation to several European powers. Those directly concerned were France, whose colony of Algeria abutted upon the decadent Shereefian empire and whose borders were consequently much disturbed by the lawlessness which prevailed in that country; Spain, separated from Morocco by the narrow Strait of Gibraltar, and with African territory also abutting upon that country; and Great Britain, the possessor of Gibraltar. These three also had the bulk of Moroccan trade—supplying practically all of that country's imports save the petroleum which came from the United States—and provided nine-tenths of the foreigners resident there.

Normally, the settlement of Moroccan affairs, so far as it had to be done by external powers, pertained to those three.

But Germany, with practically no colonists in Morocco, and no trade with that country save in the purchase of some of Morocco's exports, determined to inject herself into the case, with a view to securing political control and ultimate annexation of Morocco; thus getting the long-coveted frontage upon the Mediterranean at the strategic point which dominated the passage between that sea and the Atlantic. With this purpose the German emperor sent a warship to Moroccan waters, and personally visited the sultan of that country, and encouraged him, with intimations of German support, to resist and defy the counsels and demands of France for administrative reforms. The German emperor also, by virtue of threats of war when Germany was fully prepared and France quite unprepared, forced out of the French foreign office Theophile Delcassé, the one statesman in France who was entirely cognizant of German designs and had the courage and ability to oppose them. The result was that the sultan repudiated the tripartite agreement which France, Spain, and Great Britain had made, under which France was to assist the Moroccan government in the maintenance of order and the rehabilitation of its financial system; and declared that he would accept only such proposals as might be made by a re-convention of the powers which had in 1880 made at Madrid a treaty for the protection of foreigners in Morocco. Now the United States had been among those powers in 1880, and this insistence of the sultan's, at the German emperor's suggestion and practical dictation, called for our participation in the new conference.

This, then, was the ominous embroilment into which the United States was invited to enter, and did enter. The congress was in session at Algeciras from January 16 to April 7, 1906, and comprised representatives of Germany, Austria-Hungary, Belgium, Great Britain, France, Spain, Italy, Portugal, The Netherlands, Sweden, Russia, Morocco, and the United States. The delegates from this country were Henry White and Samuel R. Gummere; the latter being our minister to Morocco, and the former our ambassador to Italy and one of the most expert and astute diplomatists of his time. The deliberations were long, and at times perilously strained. Although

the United States was of all perhaps the least directly interested in the subject matter of dispute, and might appropriately have held aloof from the meeting altogether, its representatives were among the most influential of all, and it was largely owing to their sane and irenic influence that in the end a treaty was amicably made and signed.

This elaborate instrument, of no fewer than 123 articles, comprised declarations relative to the organization and control of police, regulations concerning the detention and repression of contraband of arms, concession for a state bank, declarations concerning a better return of taxes and the creation of new revenues, regulations concerning the customs of the empire and the repression of fraud and smuggling, and declarations relative to public services and public works. Having resolutely and adroitly kept themselves from falling into any diplomatic trap during the sessions of the congress, the American delegates signed the treaty along with those of the other powers, but with the discreet and prudent reservation: that, as the United States had no political interest in Morocco and no desire or purpose in taking part in the congress other than to secure for all peoples the widest equality of trade and privilege with Morocco and to facilitate the institution of reforms in that country tending to insure complete cordiality of intercourse without and stability of administration within, for the common good, it became a signatory of the treaty "without assuming obligation or responsibility for the enforcement thereof." The Senate, also, in ratifying the treaty on December 12 following, added a corresponding declaration, to the effect that this country had entered the congress partly in order to aid by its friendly offices in removing friction and controversy which seemed to menace the peace between other powers which were on terms of amity with this Government, "and without purpose to depart from the traditional American foreign policy which forbids participation by the United States in the settlement of political questions which are entirely European in their scope."

Thus the United States emerged from this grave complication with credit and with enhanced prestige, and without the least prejudice to its established policies; a result which was probably not altogether gratifying to at least one European chancellery.

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ELIHU ROOT

As a matter of fact, the signing and ratification of the treaty with the explicit reservations instead of compromising the Monroe Doctrine and kindred policies very materially confirmed them and secured for them at least an implied European assent.

The initiative of the second congress at The Hague was promptly acted upon by the United States government, in the negotiation of a number of treaties of arbitration. In 1908–1910 no fewer than twenty-five were negotiated and signed, with the chief nations of all parts of the world. Of these, three failed to become effective, through non-exchange of ratifications. These were all substantially identical. They provided for submission to arbitration of all questions of a legal nature, or involving the interpretation of treaties, provided that they did not affect the honor, independence, or vital interests of either of the parties, or the interests of a third party; and they were to be in force for the term of five years. It was also expressly provided that in the case of the United States the arbitrable —or, as it then began to be called, the justiciable—nature of each dispute should be determined by the President "by and with the advice and consent of the Senate." Upon the expiration of the five years most of them were at once renewed for another such term.

A much more advanced ground than these treaties occupied was taken by the President, William H. Taft. He was opposed to the requirement of senatorial sanction for each individual case of arbitration, and he favored the abandonment of all restrictions, and the submission of all cases whatever, without exception, to arbitration; as some other nations, as hitherto mentioned, had done. Himself a distinguished jurist before he became President, he was more inclined than most of his contemporaries and associates to take a judicial view of such matters, and to look for a transformation of mere arbitration before an umpire into an act of international jurisprudence, to be determined before and by a bench of judges, according to a code of international law. In 1911 he secured the negotiation of two more treaties, with France and Great Britain, under which the justiciability of each question was to be determined by a joint high commission; but after a long and animated contest the Senate insisted upon amending them so as to retain for itself

the power of choice. The treaties were then ratified, in March, 1912. The amendment in question, it may be added, was adopted by the close vote of 42 to 40.

With the accession of Woodrow Wilson to the Presidency and William Jennings Bryan to the office of secretary of state, two marked changes occurred in the conduct of our foreign affairs. One of these, most lamentable in character and in some of its results, was the restoration of the partizan spoils system in the diplomatic and consular service. For a number of years the civil service merit system had been increasingly applied to those departments. Men were promoted from place to place in accordance with their deserts, and were retained in the service without regard to political affiliations. But under Wilson and Bryan all that was changed. Some of the most expert and valuable diplomats, of ambassadorial and ministerial rank, were curtly dismissed to make room for inexperienced men who had been politically useful to the incoming administration. In some minor yet highly important places, especially in Latin America, this process was carried to a scandalous extreme. The secretary of state actually sent out a request to be informed of places to which "deserving" members of his own party might be appointed; "deserving" having reference solely to their partizan and factional labors in promoting his political interests. In at least one conspicuous case this process resulted in the appointment of a man so grossly unfit as to give rise to international scandal.

The other change was the beginning of a peace propaganda on quite new lines. Not content merely to renew the arbitration treaties on the expiration of their five years' terms, the President recommended to the nations of the world a peace plan of his own, or of his secretary of state. This was to provide that all questions whatsoever, which had failed of diplomatic settlement, should be submitted to an international commission, for investigation and report; the disputants meanwhile to refrain from declaration of war and from any acts of hostility. The commission was to begin the investigation on its own initiative, without waiting for a formal request from either party. To this the secretary of state added that the commission should consist of five members, of whom each power should select one

of its own citizens and one from another country, and the fifth should be agreed upon jointly by the two powers; that the report should be rendered within a year; and that during that time there should be no increase of armament or other military preparation by either party, unless threatened with attack by a third power.

This scheme was presented to thirty-nine nations, and by thirty-five of them it was promptly accepted in principle, to wit, in the order of their acceptance, by Italy, Great Britain, France, Brazil, Sweden, Norway, Russia, Peru, Austria-Hungary, The Netherlands, Bolivia, Germany, Argentina, China, the Dominican Republic, Guatemala, Haiti, Spain, Portugal, Belgium, Denmark, Chile, Cuba, Costa Rica, Salvador, Switzerland, Paraguay, Panama, Honduras, Nicaragua, Japan, Persia, Ecuador, Venezuela, and Uruguay. By the end of 1914 treaties embodying the principle were negotiated with all these countries.

Amid this unprecedented profusion of irenic efforts, and probably in part because of them and as a counterblast against them, preparations for the world's greatest war were at first furtively and then openly pushed to completion. At midsummer of the very year in which so many peace treaties were being made, the storm broke. The United States was geographically and diplomatically remote from strife. Yet twentieth century civilization made, in war as in peace, all nations next door neighbors. The principles agreed upon at The Hague, to which agreement this country was a party, were ignored and violated, and the neutrality of this country was challenged and assailed more seriously and more malignantly than it had been before for a hundred years. At the very moment when we were commemorating the completion of a century of peace with the power with which our two chief foreign wars had been waged, we were made to realize, perhaps as never before, that universal peace was still a pious aspiration of the unmeasured future, and that our national security still rested upon the self-same basis that had been wisely prescribed by the Father of His Country at the beginning of our national life. This cursory review of our foreign relations will have failed in its purpose if it does not convince us, with the arguments of a century and a half culminating in the transcendent emphasis of Armageddon, that—

"Citizens by birth or choice of a common country, that country has a right to concentrate your affections . . . Nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded. . . . The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. . . . It is our true policy to steer clear of permanent alliances with any portion of the foreign world. . . . There can be no greater error than to expect or calculate upon real favors from nation to nation. . . . To be prepared for war is one of the most effectual means of preserving peace."

It is through the sincere and unfaltering pursuit of such policies and maintenance of such principles that America as a world-power among world-powers must realize fulfilment of the Vision: "Earth's Biggest Country's got her soul and risen up Earth's Greatest Nation."

APPENDICES

I—STATISTICAL

II—DOCUMENTARY

APPENDIX I—STATISTICAL

PRESIDENTS OF THE UNITED STATES

Presidents.	*Administration.*	
	Began.	*Ended.*
George Washington	March 4, 1789	March 4, 1797.
John Adams	March 4, 1797	March 4, 1801.
Thomas Jefferson	March 4, 1801	March 4, 1809.
James Madison	March 4, 1809	March 4, 1817.
James Monroe	March 4, 1817	March 4, 1825.
John Quincy Adams	March 4, 1825	March 4, 1829.
Andrew Jackson	March 4, 1829	March 4, 1837.
Martin Van Buren	March 4, 1837	March 4, 1841.
William Henry Harrison	March 4, 1841	April 4, 1841.
John Tyler	April 4, 1841	March 4, 1845.
James K. Polk	March 4, 1845	March 4, 1849.
Zachary Taylor	March 4, 1849	July 9, 1850.
Millard Fillmore	July 9, 1850	March 4, 1853.
Franklin Pierce	March 4, 1853	March 4, 1857.
James Buchanan	March 4, 1857	March 4, 1861.
Abraham Lincoln	March 4, 1861	April 15, 1865.
Andrew Johnson	April 15, 1865	March 4, 1869.
Ulysses S. Grant	March 4, 1869	March 4, 1877.
Rutherford B. Hayes	March 4, 1877	March 4, 1881.
James A. Garfield	March 4, 1881	September 19, 1881.
Chester A. Arthur	September 19, 1881	March 4, 1885.
Grover Cleveland	March 4, 1885	March 4, 1889.
Benjamin Harrison	March 4, 1889	March 4, 1893.
Grover Cleveland	March 4, 1893	March 4, 1897.
William McKinley	March 4, 1897	September 14, 1901.
Theodore Roosevelt	September 14, 1901	March 4, 1909.
William H. Taft	March 4, 1909	March 4, 1913.
Woodrow Wilson	March 4, 1913	. . . . .

SECRETARIES OF STATE

Herewith are given the names of all the Secretaries of State—or Ministers for Foreign Affairs—of the United States, and of the Presidents under whom they served, and the dates of their appointments:

Secretaries.	*Presidents.*	*Commissioned.*
Thomas Jefferson, of Virginia.	George Washington..	Sept. 26, 1789.
Edmund Randolph, of Virginia	George Washington..	Jan. 2, 1794.
Timothy Pickering, of Pennsylvania (Secretary of War)	George Washington John Adams.....	Dec. 10, 1795.
John Marshall, of Virginia...	John Adams.....	May 13, 1800.
Levi Lincoln, of Massachusetts (Attorney-General), ad interim	John Adams.....	Mar. 5, 1801.
James Madison, of Virginia..	Thomas Jefferson....	Mar. 5, 1801.
Robert Smith, of Maryland...	James Madison.....	Mar. 6, 1809.
James Monroe, of Virginia...	James Madison.....	April 2, 1811.
Richard Rush, of Pennsylvania (Attorney-General), ad interim	James Monroe.....	Mar. 10, 1817.
John Quincy Adams, of Massachusetts.	James Monroe.....	Mar. 5, 1817.
Henry Clay, of Kentucky....	John Quincy Adams..	Mar. 7, 1825.
James A. Hamilton, of New York, ad interim	John Quincy Adams..	Mar. 4, 1829.
Martin Van Buren, of New York	Andrew Jackson.....	Mar. 6, 1829.
Edward Livingston, of Louisiana	Andrew Jackson.....	May 24, 1831.
Louis McLane, of Delaware..	Andrew Jackson.....	May 29, 1833.
John Forsyth, of Georgia....	Andrew Jackson... Martin Van Buren.	June 27, 1834.
J. L. Martin, of North Carolina (chief clerk), ad interim	Martin Van Buren..	Mar. 5, 1841.
Daniel Webster, of Massachusetts.	William H. Harrison John Tyler.....	Mar. 3, 1841.
Hugh S. Legaré, of South Carolina (Attorney-General), ad interim	John Tyler.....	May 9, 1843.
William S. Derrick, of Pennsylvania (chief clerk), ad interim	John Tyler.....	June 21, 1843.
Abel P. Upshur, of Virginia (Secretary of the Navy)...	John Tyler.....	June 24, 1843.
John Nelson, of Maryland (Attorney-General), ad interim.	John Tyler.....	Feb. 29, 1844.
John C. Calhoun, of South Carolina	John Tyler.....	Mar. 6, 1844.
James Buchanan, of Pennsylvania	James K. Polk.....	Mar. 6, 1845.

Secretaries.	*Presidents.*	*Commissioned.*
John M. Clayton, of Delaware.	Zachary Taylor.... / Millard Fillmore....	Mar. 7, 1849.
Daniel Webster, of Massachusetts	Millard Fillmore.....	July 22, 1850.
Charles M. Conrad, of Louisiana (Secretary of War), ad interim	Millard Fillmore.....	Sept. 2, 1852.
Edward Everett, of Massachusetts	Millard Fillmore.....	Nov. 6, 1852.
William Hunter, of Rhode Island (chief clerk), ad interim	Millard Fillmore.....	Mar. 3, 1853.
William L. Marcy, of New York	Franklin Pierce.....	Mar. 7, 1853.
Lewis Cass, of Michigan.....	James Buchanan.....	Mar. 6, 1857.
William Hunter, of Rhode Island (chief clerk), ad interim	James Buchanan.....	Dec. 13, 1860.
Jeremiah S. Black, of Pennsylvania	James Buchanan.....	Dec. 17, 1860.
William H. Seward, of New York	Abraham Lincoln... / Andrew Johnson...	Mar. 5, 1861.
Elihu B. Washburne, of Illinois	Ulysses S. Grant....	Mar. 5, 1869.
Hamilton Fish, of New York.	Ulysses S. Grant....	Mar. 11, 1869.
William M. Evarts, of New York	Rutherford B. Hayes.	Mar. 12, 1877.
James G. Blaine, of Maine...	James A. Garfield.. / Chester A. Arthur..	Mar. 5, 1881.
Frederick T. Frelinghuysen, of New Jersey	Chester A. Arthur...	Dec. 12, 1881.
Thomas F. Bayard, of Delaware	Grover Cleveland....	Mar. 6, 1885.
James G. Blaine, of Maine...	Benjamin Harrison..	Mar. 5, 1889.
William F. Wharton, of Massachusetts (Assistant Secretary), ad interim.....	Benjamin Harrison..	June 4, 1892.
John W. Foster, of Indiana...	Benjamin Harrison..	June 29, 1892.
William F. Wharton, of Massachusetts (Assistant Secretary), ad interim	Benjamin Harrison..	Feb. 24, 1893.
Walter Q. Gresham, of Illinois	Grover Cleveland....	Mar. 6, 1893.
Edwin F. Uhl, of Michigan (Assistant Secretary), ad interim	Grover Cleveland....	May 28, 1895.
Richard Olney, of Massachusetts	Grover Cleveland....	June 8, 1895.
John Sherman, of Ohio.....	William McKinley...	Mar. 6, 1897.
William R. Day, of Ohio.....	William McKinley..	April 26, 1898.

Secretaries.	*Presidents.*	*Commissioned.*
Alvey A. Adee, of the District of Columbia (Second Assistant Secretary), ad interim..	William McKinley...	Sept. 17, 1898.
John Hay, of the District of Columbia	William McKinley...	Sept. 20, 1898.
Elihu Root, of New York.....	Theodore Roosevelt...	July 7, 1905.
Robert Bacon, of New York..	Theodore Roosevelt...	Jan. 27, 1909.
Philander C. Knox, of Pennsylvania	William H. Taft.....	Mar. 5, 1909.
William J. Bryan, of Nebraska	Woodrow Wilson....	Mar. 5, 1913.
Robert Lansing, of New York.	Woodrow Wilson....	June 23, 1915.

AMERICAN REPRESENTATIVES ABROAD

I

Before the Constitution

John Adams, of Massachusetts: Elected, Nov. 28, 1777, to succeed Silas Deane, recalled, as a commissioner of American affairs in Europe, with Franklin and Arthur Lee, to procure a treaty of alliance with France; elected, Sept. 27, 1779, minister plenipotentiary for negotiating a treaty of peace and commerce with Great Britain; empowered, June 20, 1780, to negotiate a treaty with Holland, in place of Henry Laurens, captured by the enemy; empowered, June 15, 1781, as a commissioner with Jay, Laurens, Franklin and Jefferson, to negotiate a treaty of peace with Great Britain; empowered, May 12, 1784, with Franklin and Jefferson, to conclude treaties of commerce with Russia, Germany, Prussia, Denmark, Saxony, Hamburg, England, Spain, Portugal, Naples, Sardinia, the Pope, Venice, Genoa, Tuscany, the Porte, Morocco, Algiers, Tripoli, Tunis; on June 3, 1784, the same plenipotentiaries were empowered to conclude a supplementary treaty with Sweden; appointed, March 14, 1785, minister plenipotentiary to Great Britain.

William Carmichael, of Maryland: Elected, September 28, 1779, secretary of legation to Spain; chargé d'affaires ad interim, June, 1782; formally recognized as chargé, February, 1783; reappointed September 29, 1789; re-commissioned, 1790.

Francis Dana, of Massachusetts: Elected, September 28, 1779, secretary of legation in Great Britain; elected, Dec. 19, 1780, minister resident in Russia, but never received as such.

Silas Deane, of Connecticut: Sent to France, March, 1776, by the Committee of Correspondence of Congress, and authorized to act as a political and commercial agent of the United States; elected, Sept. 26, 1776, with Franklin and Jefferson, a commissioner of American affairs in Europe, to procure a treaty of alliance with France. Recalled.

Benjamin Franklin, of Pennsylvania: Elected, Jan. 1, 1774, commissioner to Spain; elected, Sept. 26, 1776, with Deane and Jef-

ferson, a commissioner of American affairs in Europe, to negotiate a treaty of alliance with France; commissioned, Oct. 26, 1778, minister plenipotentiary to France; empowered, June 15, 1781, with Adams, Jay, Laurens and Jefferson, to negotiate a treaty of peace with Great Britain; commissioned, Sept. 28, 1782, to negotiate a treaty with Sweden; empowered, May 12, 1784, with Adams and Jefferson, to negotiate various treaties. (See Adams.)

DAVID HUMPHREYS, of Connecticut: Elected, May 12, 1784, the secretary to the Commission for Negotiating the Treaties of Commerce. (See Adams, Franklin and Jefferson.)

RALPH IZARD, of South Carolina: Elected by Congress, May 7, 1777, commissioner to Tuscany, and commissioned as such July 1, 1777; did not visit Tuscany; recalled June 8, 1779.

JOHN JAY, of New York: Elected minister plenipotentiary to Spain, September 27, 1779, to negotiate a treaty of alliance and of amity and commerce. He arrived in Madrid in the spring of 1780; empowered, June 15, 1781, with Adams, Laurens, Franklin and Jefferson, to negotiate a treaty of peace with Great Britain.

THOMAS JEFFERSON, of Virginia: Elected, Sept. 26, 1776, with Deane and Franklin, a commissioner of American affairs in Europe, to secure a treaty of alliance with France, but declined; empowered, June 15, 1781, with Adams, Jay, Laurens and Franklin, to negotiate a treaty of peace with Great Britain, but did not serve; empowered, May 12, 1784, with Adams and Franklin, to make various treaties (see Adams); commissioned, March 10, 1785, minister plenipotentiary to France; remained in France until the close of September, 1789. On the 12th of October, 1787, he was reëlected for a term of three years, subject to the revocation of Congress.

JOHN LAMB: Empowered, October 5, 1785, to make a treaty with Algiers.

HENRY LAURENS, of South Carolina: Elected, October 21, 1779, to negotiate a loan in Holland; elected, November 1, 1779, and same day empowered to negotiate a treaty with Holland; empowered, June 15, 1781, with Adams, Franklin, Jay and Jefferson, to negotiate a treaty of peace with Great Britain, but was captured by the British and imprisoned in the Tower of London.

JOHN LAURENS, of South Carolina: Commissioned, December 23, 1780, special minister to France to solicit new aid.

ARTHUR LEE, of Virginia: Elected, October 22, 1776, in place of Jefferson, declined, with Deane and Franklin, a commissioner of American affairs in Europe, to negotiate a treaty of alliance with France; elected, May 1, 1777, commissioner to Spain, but did not go thither and was superseded by Jay.

WILLIAM LEE, of Virginia: Elected, May 9, 1777, commissioner to communicate and treat with the Emperor of Germany, and also with the King of Prussia, and commissioned as such July 1, 1777. He was unable to visit either court, and was recalled June 9, 1779.

THOMAS ROWLEY: Empowered, October 5, 1785, to make a treaty with Morocco.

JOHN ADAMS SMITH, of Massachusetts: Appointed, March 14, 1785, secretary of legation to Great Britain.

II

Under the Constitution

ALGIERS

David Humphreys, Conn. ...1793
William Shaler (consul-general at Algiers); Commodores William Bainbridge and Decatur 1815
William Shaler (consul-general at Algiers) and Commodore Isaac Chauncey ...1816

ARGENTINE CONFEDERATION AND ARGENTINE REPUBLIC

Ministers

Cæsar A. Rodney, of Del.; John Graham, of Va.; and Theodore Bland, of Va. ...1817
Cæsar A. Rodney, of Del. ..1823
John M. Forbes, Fla. 1825
Francis Baylies, Mass. 1832
Harvey M. Watterson, Tenn. 1843
William Brent, Jr., Va. 1844
William A. Harris, Va. 1846
John S. Pendleton, Va. 1851
Joseph Graham, O. 1854
James A. Peden, Fla. 1854
Benjamin C. Yancey, Ga. ..1858
John F. Cushman, Miss. ...1859
Robert M. Palmer, Pa. 1861
Robert C. Kirk, O. 1862
Alexander Asboth, Mo. 1866
H. G. Worthington, Nev. ..1868
Robert C. Kirk, O. 1869
Dexter E. Clapp, N. Y. 1871
Julius White, Ill. 1872
Thomas O. Osborn, Ill. 1874
Bayliss W. Hanna, Ind. ...1885
John R. G. Pitkin, La. 1889
W. I. Buchanan, Ia. 1893
William P. Lord, Ore. 1899
John Barrett, Ore. 1903
Arthur M. Beaupré, Ill. 1904
Spencer F. Eddy, Ill. 1908
Charles H. Sherrill, N. Y...1909
John W. Garrett, Md. 1911

Ambassador

F. J. Stimson, Mass. 1914

AUSTRIA AND AUSTRIA-HUNGARY

Ministers

Nathaniel Niles, Vt. 1837
Henry A. Muhlenberg, Pa..1838
J. Randolph Clay, Pa. 1839
Daniel Jenifer, Md. 1841
William H. Stiles, Ga. 1845
James Watson Webb, N. Y..1849
Charles J. McCurdy, Conn..1850
Thomas M. Foote, N. Y.....1852
Henry R. Jackson, Ga. 1853
J. Glancy Jones, Pa. 1858
Anson Burlingame, Mass. ..1861
J. Lothrop Motley, Mass. ..1861
John Hay, Ill. 1867
Henry M. Watts, Pa. 1868
John Jay, N. Y. 1869
Godlove S. Orth, Ind. 1875
Edward F. Beale, D. C. ...1876
John A. Kasson, Ia. 1877
Alphonso Taft, O. 1882
John M. Francis, N. Y. 1884
Alexander R. Lawton, Ga. ..1887
Frederick D. Grant, N. Y...1889
Bartlett Tripp, S. D. 1893
Charlemagne Tower, Pa. ...1897
Addison C. Harris, Ind. 1899
Robert S. McCormick, Ill. ..1901

Ambassadors

Bellamy Storer, O. 1902
Charles S. Francis, N. Y. ..1906
Richard C. Kerens, Mo. 1909
Frederic C. Penfield, Pa. ...1913

BELGIUM

Ministers

Hugh S. Legare, S. C. 1832
Virgil Maxey, Md. 1837
Henry W. Hilliard, Ala. ...1842
Thomas G. Clemson, Pa. ...1844
Richard H. Bayard, Del. 1850
J. J. Seibels, Ala. 1853
Elisha T. Fair, Ala. 1858
Henry S. Sanford, Conn. ..1861
J. Russell Jones, Ill. 1869
Ayers P. Merrill, Miss. 1876
William C. Goodloe, Ky. ...1878

James O. Putnam, N. Y. ...1880
Nicholas Fish, N. Y. 1882
Lambert Tree, Ill. 1885
John G. Parkhurst, Mich. ..1885
Edwin H. Terrell, Tex. 1889
James S. Ewing, Ill. 1893
Bellamy Storer, O. 1897
Laurena Townsend, Pa. 1899
Henry L. Wilson, Wash. ...1905
Charles Page Bryan, Ill. ...1909
Larz Anderson, D. C. 1911
Theodore Marburg, Md. ...1912
Brand Whitlock, O. 1913

BOLIVIA

Ministers

John Appleton, Me. 1848
Alexander K. McClung, Miss. 1849
Horace H. Miller, Miss. ...1852
John W. Dana, Me. 1853
John C. Smith, Conn. 1858
David K. Cartter, O. 1861
Allen A. Hall, Tenn. 1863
John W. Caldwell, O. 1868
Leopold Markbreit, O. 1869
John T. Croxton, Ky. 1872
Robert M. Reynolds, Ala. ..1874
S. Newton Pettis, Pa. 1878
Charles Adams, Colo. 1880
George Maney, Tenn. 1882
Richard Gibbs, N. Y. 1883
William A. Seay, La. 1885
Samuel S. Carlisle, La. 1887
Thomas H. Anderson, O. ...1889
Frederick J. Grant, Wash. .1892
C. H. J. Taylor, Kan. 1893
Thomas Moonlight, Kan. ...1893
George H. Bridgman, N. J. 1897
William B. Sorsby, Miss. ..1902
J. W. J. Lee, Md. 1905
James F. Stutesman, Ind. ..1906
Horace G. Knowles, Del. ...1910
John D. O'Rear, Mo. 1913

BRAZIL

Ministers

Condy Raguet, Pa. 1825
William Tudor, Mass. 1827
Ethan A. Brown, O. 1830
William Hunter, R. I. 1834
George H. Proffit, Ind. 1843
Henry A. Wise, Va. 1844
David Todd, O. 1847
Robert C. Schenck, O. 1851
William Trousdale, Tenn. ..1853
Richard K. Meade, Va. 1857
James Watson Webb, N. Y. 1861
Henry T. Blow, Mo. 1869
James R. Partridge, Md. ...1871
Henry W. Hilliard, Ga. 1877
Thomas A. Osborn, Kan. ...1881
Thomas J. Jarvis, N. C. ...1885
Robert Adams, Jr., Pa. 1889
Edwin H. Conger, Ia. 1890
Thomas L. Thompson, Cal. ..1893
Edwin H. Conger, Ia. 1897
Charles Page Bryan, Ill. ...1898

Ambassadors

David E. Thompson, Neb. ..1902
Irving B. Dudley, Cal. 1906
Edwin V. Morgan, N. Y. ..1912

BULGARIA

Ministers

Charles M. Dickinson, N. Y. 1901
John B. Jackson, N. J. 1903
Horace G. Knowles, Del. ...1907
John R. Carter, Md. 1909
John B. Jackson, N. J. 1911
Charles J. Vopica, Ill. 1913

CENTRAL AMERICAN STATES

Ministers

John Williams, Tenn. 1825
William B. Rochester, N. Y. 1827
James Shannon, O. 1832
Charles G. De Witt, N. Y...1833
William S. Murphy, O. 1841
George Williamson, La. 1873
Cornelius A. Logan, Ill. 1879
Henry C. Hall, N. Y. 1882
Lansing B. Mizner, Cal. 1889
Romauldo Pacheco, Cal. 1890

(See COSTA RICA, GUATEMALA, HONDURAS, NICARAGUA AND SALVADOR.)

CHILE

Ministers

Heman Allen, Vt. 1823
Samuel Larned, R. I. 1828
John Hamm, O. 1830
Richard Pollard, Va. 1834
John S. Pendleton, Va. 1841

William Crump, Va. 1844
Seth Barton, La. 1847
Balie Peyton, Tenn. 1849
David A. Starkweather, O...1854
John Bigler, Cal. 1857
Thomas H. Nelson, Ind. 1861
Judson Kilpatrick, N. J. ..1865
Joseph P. Root, Kan. 1870
Cornelius A. Logan, Kan. ..1873
Thomas A. Osborn, Kan. ...1877
Judson Kilpatrick, N. J. ...1881
Cornelius A. Logan, Ill. 1882
William R. Roberts, N. Y. ..1885
Patrick Egan, Neb. 1889
James D. Porter, Tenn. 1893
Edward H. Strobel, N. Y. ..1894
Henry L. Wilson, Wash. ...1897
John Hicks, Wis. 1905
Henry P. Fletcher, Pa. 1909

Ambassador

Henry P. Fletcher, Pa. 1914

CHINA

Ministers

Caleb Cushing, Mass. 1843
Alexander H. Everett, Mass. 1845
John W. Davis, Ind. 1848
Humphrey Marshall, Ky. ..1852
Robert M. McLane, Md. ...1853
William B. Reed, Pa. 1857
John E. Ward, Ga. 1858
Anson Burlingame, Mass....1861
J. Ross Browne, Cal. 1868
Frederick F. Low, Cal. 1869
Benjamin P. Avery, Cal. ...1874
George F. Seward, Cal. 1876
James B. Angell, Mich. 1880
J. Russell Young, N. Y. ...1882
Charles Denby, Ind. 1885
Charles P. Bryan, Ill. 1897
Edwin H. Conger, Ia. 1898
W. W. Rockhill, D. C. 1905
William J. Calhoun, Ill. ...1909
Paul S. Reinsch, Wis. 1913

COLOMBIA (NEW GRANADA)

Ministers

Richard C. Anderson, Ky. ..1823
Beaufort T. Watts, S. C. ...1827
William H. Harrison, O. ...1828
Thomas P. Moore, Ky. 1829
Robert B. McAfee, Ky. 1833
James Semple, Ill. 1837
William M. Blackford, Va. ..1842
Benjamin A. Bidlack, Pa. ..1845
Thomas M. Foote, N. Y. ...1849
Yelverton P. King, Ga. 1851
James S. Green, Mo. 1853
James B. Bowlin, Mo. 1854
George W. Jones, Ia. 1859
Allan A. Burton, Ky. 1861
Peter J. Sullivan, O. 1867
Stephen A. Hurlbut, Ill. ...1869
William L. Scruggs, Ga. ...1873
Ernest Dickman, Wis. 1878
William L. Scruggs, Ga. ...1882
Charles D. Jacob, Ky. 1885
Dabney B. Maury, Va. 1886
John T. Abbott, N. H. 1889
Luther F. McKinney, N. H..1893
Charles B. Hart, W. Va. ...1897
Arthur M. Beaupré, Ill. 1897
William W. Russell, D. C. ..1904
John Barrett, Ore. 1905
Thomas C. Dawson, Ia. 1907
Elliott Northcott, W. Va. ..1909
James T. DuBois, Pa. 1911
Thaddeus A. Thompson, Tex. 1913

COREA

Ministers

Lucius H. Foote, N. Y. 1883
Hugh A. Dinsmore, Ark. ..1887
Augustine Heard, Mass. ...1890
John M. B. Sill, Mich. 1890
Horace N. Allen, O. 1897

COSTA RICA

Ministers

Solon Borland, Ark. 1853
Mirabeau B. Lamar, Tex. ..1858
Alexander Dimitry, La. 1859
Charles N. Riotte, Tex. 1861
Albert G. Lawrence, R. I....1866
Jacob B. Blair, W. Va. 1868
George Williamson, La. 1873
Cornelius A. Logan, Ill. 1879
Henry C. Hall, N. Y. 1882
Lansing B. Mizner, Cal. ...1889
Romauldo Pacheco, Cal. 1890
Richard C. Shannon, N. Y. .1891
Lewis Baker, Minn. 1893
William L. Merry, Cal. 1897

Lewis Einstein, N. Y. 1911
Edward J. Hale, N. C. 1913

CUBA

Ministers

Herbert G. Squiers, N. Y. ..1902
Edwin V. Morgan, N. Y. ...1905
John B. Jackson, N. J. 1909
Arthur E. Beaupré, Ill. ...1911
William E. Gonzales, S. C. .1913

DENMARK

Ministers

George W. Erving, Mass....1811
Henry Wheaton, N. Y. 1827
Jonathan F. Woodside, O. ..1835
Isaac R. Jackson, Pa. 1841
William W. Irwin, Pa. 1843
Robert P. Flenniken, Pa. ...1847
Walter Forward, Pa. 1849
Miller Grieve, Ga. 1852
Henry Bedinger, Va. 1853
James M. Buchanan, Md. ..1858
Bradford R. Wood, N. Y. ..1861
George H. Yeaman, Ky. ...1865
M. J. Cramer, Ky. 1870
J. P. Wickersham, Pa. 1882
Wickham Hoffman, N. Y. ..1883
Rasmus B. Anderson, Wis...1885
Clark E. Carr, Ill. 1889
John E. Risley, N. H. 1893
L. S. Swenson, Minn. 1897
Thomas J. O'Brien, Mich. ..1905
Maurice F. Egan, D. C. 1907

DOMINICAN REPUBLIC

Ministers

Frederick Douglass, D. C. ..1889
John S. Durham, Pa. 1891
William F. Powell, N. J. ...1897
Thomas C. Dawson, Ia. 1904
F. F. McCreery, Mich. 1907
William W. Russell, D. C. ..1911
James F. Sullivan, N. Y. ..1913

ECUADOR

Ministers

J. C. Pickett, Ky. 1838
Delazon Smith, O. 1844
Van Brugh Livingston, N. Y. 1848
John T. Van Allen, N. Y. ..1849
Courtland Cushing, Ind. ...1850
Philo White, Wis. 1853
Charles R. Buckalew, Pa. ...1858
Frederick Hassaurek, O. ...1861
William T. Coggeschall, O. .1866
E. Rumsey Wing, Ky. 1869
Thomas Biddle, Pa. 1875
Rowland B. Mahany, N. Y..1892
E. H. Strobel, N. Y. 1894
James D. Tillman, Tenn. ...1895
A. J. Sampson, Ariz. 1897
J. W. J. Lee, Md. 1905
William C. Fox, N. J. 1907
Evan E. Young, S. D. 1911
Charles S. Hartman, Mont..1913

EGYPT

Diplomatic Agents

Frederic C. Penfield, Conn..1893
John G. Long, Fla. 1899
John W. Riddle, Minn. 1903
Lewis M. Iddings, N. Y. ...1905
Peter Augustus Jay, R. I. 1909
Olney Arnold, R. I. 1913

FRANCE

Ministers

William Short, Va. 1790
Gouverneur Morris, N. Y. ..1792
James Monroe, Va. 1794
Chas. C. Pinckney, S. C. ...1796
Chas. C. Pinckney, S. C. ...1797
John Marshall, Va. 1797
Elbridge Gerry, Mass. 1797
Oliver Ellsworth, Conn. 1799
William Vans Murray, Md. 1799
William R. Davie, N. C. ...1799
Robert R. Livingston, N. Y..1801
James Monroe, Va. 1803
Robert R. Livingston, N. Y..1803
John Armstrong, N. Y. 1804
Joel Barlow, Conn. 1811
William H. Crawford, Ga...1813
Albert Gallatin, Pa. 1815
James Brown, La. 1823
William C. Rives, Va. 1829
Leavitt Harris, Pa. 1833
Edward Livingston, La. 1833
Lewis Cass, O. 1836
William R. King, Ala. 1844
Richard Rush, Pa. 1847
William C. Rives, Va. 1849

John Y. Mason, Va. 1853
Charles J. Faulkner, Va. ...1860
William L. Dayton, N. J. ..1861
John Bigelow, N. Y. 1865
John A. Dix, N. Y. 1866
Elihu B. Washburne, Ill. ...1869
Edward F. Noyes, O. 1877
Levi P. Morton, N. Y. 1881
Robert M. McLane, Md. ...1885
Whitelaw Reid, N. Y. 1889
T. Jefferson Coolidge, Mass. 1892

Ambassadors

James B. Eustis, La. 1893
Horace Porter, N. Y. 1897
Robert S. McCormick, Ill. ..1905
Henry White, R. I. 1906
Robert Bacon, N. Y. 1909
Myron T. Herrick, O. 1912
W. G. Sharp, Ill. 1914

GERMANY

(Before 1870, PRUSSIA)

Ministers

John Quincy Adams, Mass..1797
(Vacant from 1801 to 1835.)
Henry Wheaton, N. Y. 1835
Andrew J. Donelson, Tenn..1846
Edward A. Hannegan, Ind..1849
Daniel D. Barnard, N. Y. ..1850
Peter D. Vroom, N. J. 1853
Joseph A. Wright, Ind. 1857
Norman B. Judd, Ill. 1861
Joseph A. Wright, Ind. 1865
George Bancroft, N. Y. 1867
J. C. Bancroft Davis 1874
Bayard Taylor, Pa. 1878
Andrew D. White, N. Y. ...1879
Aaron A. Sargent, Cal. 1882
John A. Kasson, Ia. 1884
George H. Pendleton, O. ...1885
William Walter Phelps, N. J. 1889

Ambassadors

Theodore Runyon, N. J. 1893
Edwin F. Uhl, Mich. 1896
Andrew D. White, N. Y. ...1897
Charlemagne Tower, Pa. ...1902
David J. Hill, N. Y. 1909
G. G. A. Leishman, Pa. 1911
James W. Gerard, N. Y. ...1913

GREAT BRITAIN

Ministers

Thomas Pinckney, S. C. ...1792
John Jay, N. Y. 1794
Rufus King, N. Y. 1796
James Monroe, Va. 1803
Jonathan Russell, R. I. 1811
Albert Gallatin, Pa. 1813
John Quincy Adams, Mass..1813
James A. Bayard, Del. 1813
John Quincy Adams, Mass...1814
James A. Bayard, Del. 1814
Henry Clay, Ky. 1814
Jonathan Russell, R. I. 1814
Albert Gallatin, Pa. 1814
John Quincy Adams, Mass..1815
Richard Rush, Pa. 1817
Rufus King, N. Y. 1825
Albert Gallatin, Pa. 1826
James Barbour, Va. 1828
Louis McLane, Del. 1829
Martin Van Buren, N. Y. ..1831
Andrew Stevenson, Va. ...1836
Edward Everett, Mass. 1841
Louis McLane, Md. 1845
George Bancroft, N. Y. ...1846
Abbott Lawrence, Mass. ...1849
Joseph R. Ingersoll, Pa. ...1852
James Buchanan, Pa. 1853
George M. Dallas, Pa. 1856
Charles F. Adams, Mass....1861
Reverdy Johnson, Md. 1868
J. Lothrop Motley, Mass...1869
Robert C. Schenck, O. 1870
Edwards Pierrepont, N. Y..1876
John Welsh, Pa. 1877
James R. Lowell, Mass. ...1880
Edward J. Phelps, Vt. 1885
Robert T. Lincoln, Ill. 1889

Ambassadors

Thomas F. Bayard, Del. 1893
John Hay, D. C. 1897
Joseph H. Choate, N. Y. ...1899
Whitelaw Reid, N. Y. 1905
Walter H. Page, N. Y. 1913

GREECE

Ministers

Charles K. Tuckerman, N. Y 1868
John M. Francis, N. Y. 1871

J. Meredith Read, Jr., N. Y. 1873
Eugene Schuyler, N. Y. 1882
Walter Fearn, La. 1885
A. Loudon Snowden, Pa. ...1889
Eben Alexander, N. C. 1893
William W. Rockhill, D. C. 1897
A. S. Hardy, N. H. 1899
Charles S. Francis, N. Y. ..1901
John B. Jackson, N. J. ...1903
Richmond Pearson, N. C. ..1907
George H. Moses, N. H. ...1909
Jacob G. Schurman, N. Y. .1912
George Fred Williams, Mass. 1913
Garrett Droppers, Mass. ..1914

GUATEMALA

Ministers

Elijah Hise, Ky. 1848
E. George Squier, N. Y. ...1849
Solon Borland, Ark. 1853
John L. Marling, Tenn. ...1854
William E. Venable, Tenn. 1857
Beverly L. Clarke, Ky. 1858
Elisha O. Crosby, N. Y. ...1861
Fitz Henry Warren, Ia. ...1865
Silas A. Hudson, Ia. 1869
George Williamson, La. ...1873
Cornelius A. Logan, Ill. ...1879
Henry C. Hall, N. Y. 1882
Lansing B. Mizner, Cal. ...1889
Romauldo Pacheco, Cal. ...1890
P. M. B. Young, Ga. 1893
Magrane Coxe, N. Y. 1896
W. G. Hunter, Ky. 1897
Leslie Combs, Ky. 1902
J. W. J. Lee, Md. 1907
William Heimke, Kan. 1908
William F. Sands, D. C. ...1909
R. S. R. Hitt, Ill. 1910
William H. Leavell, Miss. .1913

HAWAII

Ministers

George Brown, Mass. 1843
Anthony Ten Eyck, Mich. .1845
Charles Eames, N. Y. 1849
Luther Severance, Me. 1850
David L. Gregg, Ill. 1853
James W. Borden, Ind. ...1858
Thomas J. Dryer, Ore. 1861
James McBride, Ore. 1863
Edward M. McCook, Colo. .1866
Henry A. Pierce, Mass. ...1869
James M. Comly, O. 1877
Rollin M. Daggett, Nev. 1882
George W. Merrill, Nev. 1885
John L. Stevens, Me. 1889
A. S. Willis, Ky. 1893
Harold M. Sewall, Me. 1897
[Annexed, 1898.]

HAYTI

Ministers

Benjamin F. Whidden, N. H. 1862
H. E. Peck, O. 1865
Gideon H. Hollister, Conn. 1868
Ebenezer D. Bassett, Pa. ..1869
John M. Langston, D. C. ..1877
J. E. W. Thompson, N. Y...1885
Frederick Douglass, D. C. .1889
John S. Durham, Pa. 1891
Henry B. Smythe, Va. 1893
William F. Powell, N. J. ..1897
Henry W. Furniss, Ind. ...1905
Madison R. Smith, Wis. ...1913
Arthur Bailly Blanchard, Wis. 1914

HONDURAS

Ministers

Solon Borland, Ark. 1853
Beverly L. Clarke, Ky. 1858
James R. Partridge, Md. ..1862
Thomas H. Clay, Ky. 1863
Richard H. Rousseau, Ky. 1866
Henry Baxter, Mich. 1869
George Williamson, La. ...1873
Cornelius A. Logan, Ill. ...1879
Henry C. Hall, N. Y. 1882
Lansing B. Mizner, Cal. ...1889
Romauldo Pacheco, Cal. ...1890
P. M. B. Young, Ga. 1893
W. G. Hunter, Ky. 1897
Leslie Combs, Ky. 1902
H. Percival Dodge, Mass. ..1907
Philip M. Brown, Mass. ...1908
F. R. McCreery, Mich. 1909
Charles D. White, N. J. ...1911
John Ewing, La. 1913

ITALY

Ministers

George P. Marsh, Vt. 1861
William W. Astor, N. Y. ..1882
John B. Stallo, O. 1885
Albert G. Porter, Ind. 1889
William Potter, Pa. 1892

Ambassadors

Wayne MacVeagh, Pa. 1893
William F. Draper, Mass...1897
George von L. Meyer, Mass. 1900
Henry White, R. I. 1905
Lloyd C. Griscom, Pa. 1906
J. G. A. Leishman, Pa. 1909
Thomas J. O'Brien, Mich. ..1911
Thomas Nelson Page, Va. ..1913

JAPAN

Ministers

Matthew C. Perry, Commodore U. S. N. 1852
Townsend Harris, N. Y. ...1855
Robert H. Pruyn, N. Y. ...1861
R. B. Van Valkenburg, N. Y. 1866
Charles E. DeLong, Nev. ..1869
John H. Bingham, O. 1873
Richard B. Hubbard, Tex. .1885
John F. Swift, Cal. 1889
Frank L. Coombs, Cal. 1892
Edwin Dun, O. 1893
Alfred E. Buck, Ga. 1897

Ambassadors

Lloyd C. Griscom, Pa. 1903
Luke E. Wright, Tenn. 1906
Thomas J. O'Brien, Mich. ..1907
Charles Page Bryan, Ill. ...1911
Larz Anderson, D. C. 1912
George W. Guthrie, Pa. ...1913

LIBERIA

Ministers

Abraham Henson, Wis. 1863
John Seys, O. 1866
J. Milton Turner, Mo. 1871
John H. Smyth, N. C. 1882
Moses A. Hopkins, N. C. ..1885
Ezekial E. Smith, N. C. ...1888
William D. McCoy, Ind. ...1892
William H. Heard, Pa. 1895
O. L. W. Smith, N. C. 1899
J. R. A. Crossland, Mo. ...1902
Ernest Lyon, Md. 1903
William D. Crum, S. C. ...1910
George W. Buckner, Ind. ..1913

MEXICO

Ministers

Joel R. Poinsett, S. C. 1825
Anthony Butler, Miss. 1829
Powhatan Ellis, La. 1836
Waddy Thompson, S. C. ...1842
Wilson Shannon, O. 1844
John Slidell, La. 1845
Ambrose H. Sevier, Ark. ...1848
Nathan Clifford, Me. 1848
Nathan Clifford, Me. 1848
Robert P. Letcher, Ky. 1849
Alfred Conkling, N. Y. 1852
James Gadsden, S. C. 1853
John Forsyth, Ala. 1856
Robert M. McLane, Md. ...1859
John B. Weller, Cal. 1860
Thomas Corwin, O. 1861
Lewis D. Campbell, O. 1866
Marcus Otterbourg, Wis. ...1867
William S. Rosecrans, O. ...1868
Thomas H. Nelson, Ind. 1869
John W. Foster, Ind. 1873
P. H. Morgan, La. 1880
Henry R. Jackson, Ga. 1885
Thomas C. Manning, La. ...1886
Edward S. Bragg, Wis. 1888
Thomas Ryan, Kan. 1889
Isaac P. Gray, Ind. 1893

Ambassadors

Matt. W. Ransom, Mass. ...1895
Powell Clayton, Ark. 1897
David E. Thompson, Neb. ..1906
Henry Lane Wilson, Wash. 1909

MONTENEGRO

Ministers

John B. Jackson, N. J. 1905
Richard Pearson, N. C. 1907
George H. Moses, N. H. 1909
Jacob G. Schurman, N. Y. ..1912
George Fred Williams, Mass. 1913
Garrett Droppers, Mass. ...1914

MOROCCO

Ministers

S. R. Gummere, N. J. 1905
H. Percival Dodge, Mass. ..1909
Fred. W. Carpenter, Cal. ..1910

THE NETHERLANDS

Ministers

William Short, Va. 1792
John Quincy Adams, Mass..1794
Williams Vans Murray, Md. 1797
William Eustis, Mass. 1814
Alexander H. Everett, Mass. 1818
Christopher Hughes, Jr., Md. 1825
William P. Preble, Me. 1829
Harmanus Bleecker, N. Y...1839
Christopher Hughes, Md. ..1842
Auguste Davezac, La. 1845
George Folsom, N. Y. 1850
August Belmont, N. Y. 1853
Henry C. Murphy, N. Y. ...1857
James S. Pike, Me. 1861
Hugh Ewing, Kan. 1866
Charles T. Gorham, Mich. ..1870
F. B. Stockbridge, Mich. ...1875
James Birney, Mich. 1876
William L. Dayton, N. J. ..1882
Isaac Bell, Jr., R. I. 1885
Robert B. Roosevelt, N. Y...1888
Samuel R. Thayer, Minn....1889
W. E. Quinby, Mich. 1893
Stanford Newel, Minn. 1897
David J. Hill, N. Y. 1905
Arthur M. Beaupré, Ill. ...1908
Lloyd Bryce, N. J. 1911
Henry van Dyke, N. J. 1913

NORWAY

Ministers

H. H. D. Peirce, Mass. 1906
L. S. Swenson, Minn. 1911
A. G. Schmedemann, Wis...1914

NICARAGUA

Ministers

John B. Kerr, Md. 1851
Solon Borland, Ark. 1853
John H. Wheeler, N. C. 1854
Mirabeau B. Lamar, Tex....1858
Alexander Dimitry, La. 1859
Andrew B. Dickinson, N. Y. 1861
Thomas H. Clay, Ky. 1862
Andrew B. Dickinson, N. Y. 1863
C. N. Riotte, Tex. 1869
George Williamson, La. 1873
Cornelius A. Logan, Ill. 1879
Henry C. Hall, N. Y. 1882
Lansing B. Mizner, Cal. ...1889
Romauldo Pacheco, Cal. ...1890
Richard C. Shannon, N. Y. .1891
Lewis Baker, Minn. 1893
William L. Merry, Cal. 1897
Elliott Northcott, W. Va. ..1911
George T. Weitzel, Mo. ...1911
Benjamin L. Jefferson, Colo. 1913

PANAMA

Ministers

William I. Buchanan, Ia. ..1903
John Barrett, Ore. 1904
Charles E. Magoon, Neb. ...1905
Herbert G. Squiers, N. Y. ..1906
R. S. R. Hitt, Ill. 1909
H. Percival Dodge, Mass. ..1911
William J. Price, Ky. 1913

PARAGUAY

Ministers

Charles A. Washburn, Cal..1861
Martin T. McMahon, N. Y..1868
John L. Stevens, Me. 1870
John C. Caldwell, Me. 1874
William Williams, Ind. 1882
John E. Bacon, S. C. 1885
George Maney, Tenn. 1889
Granville Stuart, Mont. 1894
William R. Finch, Wis. 1897
E. C. O'Brien, N. Y. 1905
Edwin V. Morgan, N. Y. ..1909
Nicolay A. Grevstad, Ill. ..1911
Daniel J. Mooney, N. Y. ...1913

PERSIA

Ministers

S. G. W. Benjamin, N. Y. ..1883
F. H. Winston, Ill. 1885
E. Spencer Pratt, Ala. 1886
Truxton Beale, Cal. 1891
Watson R. Sperry, Del. 1892
Alexander McDonald, Va. ..1893
H. W. Bowen, N. Y. 1899
Lloyd C. Griscom, Pa. 1901

Richmond Pearson, N. C. ..1903
John B. Jackson, N. J. 1907
Charles W. Russell, D. C. ..1909
John L. Caldwell, N. C. 1914

PERU

Ministers

James Cooley, Pa. 1826
Samuel Larned, R. I. 1828
James B. Thornton, N. H. ..1836
J. C. Pickett, Ky. 1838
John A. Bryan, O. 1844
Albert G. Jewett, Me. 1845
John R. Clay, Pa. 1847
Christopher Robinson, R. I. 1861
Alvin P. Hovey, Ind. 1865
Thomas Settle, N. C. 1871
Francis Thomas, Md. 1872
Richard Gibbs, N. Y. 1875
Isaac P. Christiancy, Mich. 1879
Stephen A. Hurlbut, Ill. 1881
James R. Partridge, Md. ...1882
Seth L. Phelps, D. C. 1883
Charles W. Buck, Ky. 1885
John Hicks, Wis. 1889
James A. MacKenzie, Ky. ..1893
Irving B. Dudley, Cal. 1897
Leslie Combs, Ky. 1906
H. Clay Howard, Ky. 1911
Benton McMillin, Tenn. 1913

PORTUGAL

Ministers

David Humphreys, Conn. ..1791
William Smith, S. C. 1797
Thomas Sumter, Jr., S. C. ..1809
John Graham, Va. 1819
Henry Dearborn, Sr., N. H. 1822
Thomas L. L. Brent, Va. ..1825
Edward Kavanagh, Me. 1835
Washington Barrow, Tenn ..1841
Abraham Rencher, N. C. ...1843
George W. Hopkins, Va. ..1847
James B. Clay, Ky. 1849
Charles B. Haddock, N. H. 1850
John L. O'Sullivan, N. Y. ..1854
George W. Morgan, O. 1858
James E. Harvey, Pa. 1861
Samuel Shellabarger, O. ...1869
Charles H. Lewis, Va. 1870
Benjamin Moran, Pa. 1874
John M. Francis, N. Y. 1882
Lewis Richmond, R. I. 1884
Edw. P. C. Lewis, N. J. ..1885
George B. Loring, Mass. ..1889
George S. Batchellor, N. Y. 1890
Gilbert A. Pierce, Minn. ..1892
George W. Caruth, Ark. 1893
Lawrence Townsend, Pa. ...1897
John N. Irwin, Ia. 1899
Francis B. Loomis, O. 1901
Charles Page Bryan, Ill. ..1903
Henry T. Gage, Cal. 1909
Edwin V. Morgan, N. Y. ..1911
Cyrus E. Woods, Pa. 1912
Thomas H. Birch, N. J. 1913

RUMANIA

Ministers

Eugene Schuyler, N. Y. 1882
Walter Fearn, La. 1885
A. Loudon Snowden, Pa. ..1889
Eben Alexander, N. C. 1893
William W. Rockhill, D. C. 1897
A. S. Hardy, N. H. 1899
Charles S. Francis, N. Y. ..1901
John B. Jackson, N. J. 1903
John W. Riddle, Minn. 1905
Horace G. Knowles, Del. ..1907
Huntington Wilson, Ill. 1908
John R. Carter, Md. 1909
John B. Jackson, N. J. 1911
Charles J. Vopica, Ill. 1913

RUSSIA

Ministers

John Quincy Adams, Mass. 1809
Leavitt Harris, Pa. 1814
William Pinkney, Md. 1816
George W. Campbell, Tenn. 1818
Henry Middleton, S. C. 1820
John Randolph, Va. 1830
James Buchanan, Pa. 1832
William Wilkins, Pa. 1834
John R. Clay, Pa. 1836
George M. Dallas, Pa. 1837
Churchill C. Cambreling, N. Y. 1840
Charles S. Todd, Ky. 1841
Ralph J. Ingersoll, Conn. ..1846
Arthur P. Bagby, Ala. 1848
Neil S. Brown, Tenn. 1850
Thomas H. Seymour, Conn. 1853

Francis W. Pickens, S. C. ..1858
John Appleton, Me. 1860
Cassius M. Clay, Ky. 1861
Simon Cameron, Pa. 1862
Cassius M. Clay, Ky. 1863
Andrew G. Curtin, Pa. 1869
James L. Orr, S. C. 1872
Marshall Jewell, Conn. 1873
George H. Boker, Pa. 1875
E. W. Stoughton, N. Y. 1877
John W. Foster, Ind. 1880
William H. Hunt, La. 1882
Alphonso Taft, O. 1884
Geo. V. N. Lothrop, Mich. ..1885
Lambert Tree, Ill. 1888
Charles Emory Smith, Pa. ..1890
Andrew D. White, N. Y. ..1892
Clifton R. Breckenridge, Ark. 1894

Ambassadors

Clifton R. Breckenridge, Ark. 1897
Ethan A. Hitchcock, Mo. ..1897
Charlemagne Tower, Pa. ...1899
Robert S. McCormick, Ill. ..1902
George Von L. Meyer, Mass. 1905
John W. Riddle, Minn. 1906
William W. Rockhill, D. C. 1909
Curtis Guild, Mass. 1911
George T. Marye, Cal. 1914

SALVADOR

Ministers

Solon Borland, Ark. 1853
James R. Partridge, Md. ..1863
A. S. Williams, Mich. 1866
Alfred T. A. Torbert, Del. .1869
Thomas Biddle, Pa. 1871
George Williamson, La. 1873
Cornelius A. Logan, Ill. 1879
Henry C. Hall, N. Y. 1882
Lansing B. Mizner, Cal. ...1889
Romauldo Pacheco, Cal. ...1890
Richard C. Shannon, N. Y. 1891
Lewis Baker, Minn. 1893
William L. Merry, Cal. 1897
H. Percival Dodge, Mass. ..1907
William Heimke, Kan. 1909
Boaz W. Long, N. M. 1914

SERVIA

Ministers

Eugene Schuyler, N. Y. 1882
A. Loudon Snowden, Pa. ..1889
Eben Alexander, N. C. 1893
William W. Rockhill, D. C. 1897
A. S. Hardy, N. H. 1899
Charles S. Francis, N. Y. ..1901
John B. Jackson, N. J. 1903
John W. Riddle, Minn. 1905
Horace G. Knowles, Del. ..1907
Huntington Wilson, Ill. ...1908
John R. Carter, Md. 1909
John B. Jackson, N. J. 1911
Charles J. Vopica, Ill. 1913

SIAM

Ministers

John A. Halderman, Mo. ..1882
Jacob T. Child, Mo. 1886
Sempronius H. Boyd, Mo. ..1890
John Barrett, Ore. 1894
Hamilton King, Mich. 1898
Fred. W. Carpenter, Cal. ..1912
Alexander Sweek, Ore. 1913

SPAIN

Ministers

William Carmichael, Md. ..1790
William Short, Va. 1794
Thomas Pinckney, S. C. 1794
David Humphreys, Conn. ..1796
Charles Pinckney, S. C. 1801
(Vacant from 1808 to 1814.)
George W. Erving, Mass. ..1814
John Forsyth, Ga. 1819
Hugh Nelson, Va. 1823
Alexander H. Everett, Mass 1825
Cornelius P. Van Ness, Vt. 1829
William T. Barry, Ky. 1835
John H. Eaton, Tenn. 1836
Aaron Vail, N. Y. 1840
Washington Irving, N. Y. ..1842
Romulus M. Saunders, N. C. 1846
Daniel M. Barringer, N. C. 1849
Pierre Soulé, La. 1853
Augustus C. Dodge, Ia. 1855
William Preston, Ky. 1858
Carl Schurz, Wis. 1861
Gustavus Koerner, Ill. 1862
John P. Hale, N. H. 1865

Daniel E. Sickles, N. Y. 1869
Caleb Cushing, Va. 1874
James R. Lowell, Mass. 1877
Lucius Fairchild, Wis. 1880
Hannibal Hamlin, Me 1881
John W. Foster, Ind. 1883
J. L. M. Curry, Va. 1885
Perry Belmont, N. Y. 1888
Thomas W. Palmer, Mich. ..1889
E. Burd Grubb, N. J. 1890
A. Loudon Snowden, Pa. ...1892
Hannis Taylor, Ala. 1893
Stewart L. Woodford, N. Y. 1897
Bellamy Storer, O. 1899
Arthur S. Hardy, N. H. ...1902
William M. Collier, N. Y. ..1905
Henry Clay Ide, Vt. 1909

Ambassadors

Joseph E. Willard, Va. 1914

SWEDEN AND NORWAY

Ministers

Jonathan Russell, R. I. 1814
John J. Appleton, Mass. ..1826
Christopher Hughes, Md. ..1830
George W. Lay, N. Y. 1842
Henry W. Ellsworth, Ind. ..1845
Francis Schroeder, R. I. 1849
Benjamin F. Angel, N. Y. ..1857
Jacob S. Haldeman, Pa. ...1861
James H. Campbell, Pa. ..1864
John McGinnis, Jr., Ill. ..1866
Joseph J. Bartlett, N. Y. ..1867
C. C. Andrews, Minn. 1869
John L. Stevens, Me. 1877
Wm. W. Thomas, Jr., Me. ..1883
Rufus Magee, Ind. 1885
William W. Thomas, Jr., Me. 1889
Thomas B. Ferguson, Md. ..1894
William W. Thomas, Jr., Me 1897
Charles H. Graves, Minn. ..1905

SWEDEN

Ministers

Charles H. Graves, Minn. ..1905
Ira N. Morris, Ill. 1914

SWITZERLAND

Ministers

Theodore S. Fay, Mass. 1853
George G. Fogg, N. H. 1861
George Harrington, Ga. 1865
Horace Rublee, Wis. 1869
Nicholas Fish, N. Y. 1877
M. J. Kramer, Ky. 1882
Boyd Winchester, Ky. 1885
John D. Washburn, Mass. ..1889
James O. Broadhead, ...1893
James L. Peak, Mo. 1895
J. G. A. Leishman, Pa. 1897
A. S. Hardy, N. H. 1901
David J. Hill, N. Y. 1903
Brutus J. Clay, Ky. 1905
L. S. Swenson, Minn. 1909
Henry S. Bontell, Ill. 1911
Pleasant A. Stovall, Ga. 1913

TEXAS

Ministers

Alcee La Branche, La. 1837
George H. Flood, O. 1840
Joseph Eve, Ky. 1841
William S. Murphy, O. 1843
Tighlman A. Harvard, Ind. 1844
Andrew J. Donelson, Tenn. 1844
(Annexed as a State in 1845.)

TURKEY

Ministers

David Porter, Md. 1831
Dabney S. Carr, Md. 1843
George P. Marsh, Vt. 1849
Carroll Spence, Md. 1853
James Williams, Tenn. 1858
Edward Joy Morris, Pa. ...1861
Wayne MacVeagh, Pa. 1870
George H. Baker, Pa. 1871
Horace Maynard, Tenn. 1875
James Longstreet, Ga. 1880
Lewis Wallace, Ind. 1882
Samuel S. Cox, N. Y. 1885
Oscar S. Straus, N. Y. 1887
Solomon Hirsch, Ore. 1889
David P. Thompson, Ore. ..1892
Alexander W. Terrell, Tex. 1893
James B. Angell, Mich. 1897
Oscar S. Straus, N. Y. 1898

Ambassadors

J. G. A. Leishman, Pa. 1901
Oscar S. Straus, N. Y. 1909
William W. Rockhill, D. C. 1911
Henry Morgenthau, N. Y. ..1913

THE TWO SICILIES

Ministers

John Nelson, Md. 1831
Enos. T. Throop, N. Y. 1838
William Bowlware, Va. 1841
William H. Polk, Tenn. 1845
John Rowan, Ky. 1848
Thomas W. Chinn, La. 1849
Edward Joy Morris, Pa. ...1850
Robert Dale Owen, Ind. 1853
Joseph R. Chandler, Pa. ...1858
(Discontinued in 1860.)

URUGUAY

Ministers

Alexander Asboth, Mo. 1867
H. G. Worthington, Nev. ...1868
Robert C. Kirk, O. 1869
John L. Stevens, Me. 1870
John C. Caldwell, Me. 1874
William Williams, Ind. 1882
John E. Bacon, S. C. 1885
George Maney, Tenn. 1889
Granville Stuart, Mon. 1894
William B. Finch, Wis. 1897
E. C. O'Brien, N. Y. 1905
Nicolay A. Grevstad, Ill. ...1911

VENEZUELA

Ministers

J. G. A. Williamson, Pa. ...1835
Allen A. Hall, Tenn. 1841
Vespasian Ellis, Mo. 1844
Benjamin G. Shields, Ala. ..1845
Isaac N. Steele, Md. 1849
Charles Eames, D. C. 1854
Edwin A. Turpin, N. Y. 1858
Henry T. Blow, Mo. 1861
E. D. Culver, N. Y. 1862
James Wilson, Ind. 1866
Thomas N. Stilwell, Ind. ..1867
James R. Partridge, Md. ..1869
William A. Pile, Mo. 1871
Thomas Russell, Mass. 1874
Jehu Baker, Ill. 1878
Charles L. Scott, Ala. 1885
William L. Scruggs, Ga. 1889
Frank C. Partridge, Vt. 1893
S. Haselton, Vt. 1894
Allen Thomas, Fla. 1895
Francis B. Loomis, O. 1897
Herbert W. Bowen, N. Y. ..1901
W. W. Russell, Md. 1905
John W. Garrett, Md. 1909
Elliott Northcott, W. Va. ..1911
Preston McGoodwin, Okla. ..1913

TREATIES, ACTS AND CONVENTIONS

The following tables give, chronologically arranged by countries, the subjects and dates of the various treaties made by the United States, and the international acts, conventions and agreements to which this country has been a party:

TREATIES

Country.	*Subject.*	*Signed.*	*Proclaimed.*
Algiers	Peace and Amity	Sept. 5, 1795	Mar. 2, 1796
Algiers	Peace and Amity	June 30, 1815	Dec. 26, 1815
Algiers	Peace and Amity	Dec. 22, 1816	Feb. 11, 1822
Argentine Republic .	Navigation of Rivers, Parana and Uruguay ..	July 10, 1853	April 9, 1855
Argentine Republic .	Friendship, Commerce, and Navigation	July 27, 1853	April 9, 1855
Argentine Republic .	Extradition	Sept. 26, 1896	June 5, 1900
Argentine Republic .	Naturalization	Aug. 9, 1909	Jan. 12, 1910

Country.	*Subject.*	*Signed.*	*Proclaimed.*
Argentine Republic	Advancement of Peace	July 24, 1914	.....
Austria-Hungary	Commerce and Navigation	Aug. 27, 1829	Feb. 10, 1831
Austria-Hungary	Property and Consular Jurisdiction	May 8, 1848	Feb. 25, 1850
Austria-Hungary	Extradition	July 3, 1856	Dec. 15, 1856
Austria-Hungary	Agreement Concerning Tobacco	Dec. 20, 1863	.....
Austria-Hungary	Consular	July 11, 1870	June 29, 1871
Austria-Hungary	Naturalization	Sept. 20, 1870	Aug. 1, 1871
Austria-Hungary	Trade-marks	Nov. 25, 1871	June 1, 1872
Austria-Hungary	Copyright Proclamation	.....	Sept. 20, 1907
Austria-Hungary	Arbitration	Jan. 15, 1909	May 18, 1909
Austria-Hungary	Copyrights	Jan. 30, 1912	Oct 15, 1912
Austria-Hungary	Advancement of Peace	.....	.....
Baden	Extradition	Jan. 30, 1857	May 19, 1857
Baden	Naturalization	July 19, 1868	Jan. 10, 1870
Bavaria	Abolishing Droit de Baine and Taxes on Emigration	Jan. 21, 1845	Aug. 16, 1846
Bavaria	Extradition	Sept. 12, 1853	Nov. 18, 1854
Bavaria	Naturalization	May 26, 1868	Oct. 8, 1868
Bavaria	Protocol Relating to Naturalization	May 26, 1868	.....
Belgium	Commerce and Navigation	Nov. 10, 1845	Mar. 31, 1846
Belgium	Commerce and Navigation	June 17, 1858	April 19, 1859
Belgium	Import Duties and Capitalization of Scheldt Dues	May 20, 1863	Nov. 18, 1864
Belgium	Extinguishment of Scheldt Dues	July 20, 1863	Nov. 18, 1864
Belgium	Naturalization	Nov. 16, 1868	July 30, 1869
Belgium	Rights, Privileges, and Immunities of Consuls	Dec. 5, 1868	Mar. 7, 1870
Belgium	Trade-marks	Dec. 20, 1868	July 30, 1869
Belgium	Extradition	Mar. 19, 1874	May 1, 1874
Belgium	Commerce and Navigation	Mar. 8, 1875	June 29, 1875
Belgium	Consular	Mar. 9, 1880	Mar. 1, 1881
Belgium	Extradition	June 13, 1882	Nov. 20, 1882
Belgium	Trade-marks	April 7, 1884	July 9, 1884

Country.	*Subject.*	*Signed.*	*Proclaimed.*
Belgium ...	Copyright Proclamation..	.....	July 1, 1891
Belgium ...	Extradition	Oct. 26, 1901	June 14, 1902
Belgium ...	Trade-marks in China ...	Nov. 27, 1905	.....
Belgium ...	Advancement of Peace..	.....	.....
Bolivia	Friendship, Commerce, and Navigation	May 13, 1858	Jan. 8, 1863
Bolivia	Extradition	April 21, 1900	Dec. 30, 1901
Bolivia	Advancement of Peace..	Jan. 22, 1914	
Borneo	Amity, Commerce and Navigation	June 23, 1850	July 12, 1854
Brazil	Amity, Commerce and Navigation	Dec. 12, 1828	Mar. 18, 1829
Brazil	Claims	Jan. 27, 1849	Jan. 19, 1850
Brazil	Trade-marks	Sept. 24, 1878	June 17, 1879
Brazil	Extradition	May 14, 1897	April 30, 1903
Brazil	Claims	Sept. 6, 1902	.....
Brazil	Naturalization	April 27, 1908	April 2, 1910
Brazil	Arbitration	Jan. 23, 1909	Aug. 2, 1911
Brazil	Advancement of Peace..	July 24, 1914	.....
Bremen	Extradition	Sept. 6, 1853	Oct. 15, 1853
Brunswick and Luneburg	Disposition of Property..	Aug. 21, 1854	July 30, 1855
Bulgaria ...	Reciprocity Proclamation.	.....	Sept. 15, 1906
Central America .	Peace, Amity, Commerce, and Navigation	Dec. 5, 1825	Oct. 28, 1826
Chile	Peace, Amity, Commerce, and Navigation	May 16, 1832	April 29, 1834
Chile	Additional Peace, Amity, Commerce, and Navigation	Sept. 1, 1833	April 29, 1884
Chile	Macedonian Claims	Nov. 10, 1858	Dec. 22, 1859
Chile	Claims	Aug. 7, 1892	Jan. 28, 1893
Chile	Copyright Proclamation..	.....	May 25, 1896
Chile	Claims	May 24, 1897	.....
Chile	Claims	May 24, 1897	Mar. 12, 1900
Chile	Extradition	April 17, 1900	May 27, 1902
Chile	Advancement of Peace...	Sept. 15, 1914	.....
China	Peace, Amity, Commerce..	July 3, 1844	April 18, 1846
China	Peace, Amity, and Commerce	June 18, 1858	Jan. 26, 1860
China	Trade Regulations and Tariff	Nov. 8, 1858	.....
China	Claims	Nov. 8, 1858	.....
China	Trade, Consuls, and Emigration	July 28, 1868	Feb. 5, 1870.
China	Immigration	Nov. 17, 1880	Oct. 5, 1881
China	Commercial Intercourse and Judicial Procedure	Nov. 17, 1880	Oct. 5, 1881

Country.	*Subject.*	*Signed.*	*Proclaimed.*
China	Immigration	Mar. 17, 1894	Dec. 8, 1894
China	Open-door Policy, Exchange of Notes	1899	.....
China	Final Protocol at Conclusion of Boxer Troubles.	Sept. 7, 1901	.....
China	Commercial Relations ...	Oct. 8, 1903	Jan. 13, 1904
China	New Agreement Concerning Whang Pu	Sept. 27, 1905	.....
China	Arbitration	Oct. 8, 1908	April 6, 1909
China	Advancement of Peace...	July 24, 1914	.....
Colombia ..	Amity, Commerce, and Navigation	Oct. 3, 1824	May 31, 1825
Colombia ..	Peace, Amity, Navigation, and Commerce	Dec. 12, 1846	June 12, 1848
Colombia ..	Consular	May 4, 1850	Dec. 5, 1851
Colombia ..	Claims	Sept. 10, 1857	Nov. 8, 1860
Colombia ..	Claims	Feb. 10, 1864	Oct. 19, 1865
Colombia ..	Extradition	May 7, 1888	Feb. 6, 1891
Colombia ..	Ship canal	Jan. 22, 1903	.....
Colombia ..	Ship canal	Jan. 9, 1909	.....
Colombia and Panama .	Ship canal	Jan. 9, 1909	.....
Congo (Kongo) .	Declaration	April 22, 1884	.....
Congo (Kongo) .	Recognition of Flag	April 22, 1884	.....
Congo (Kongo) .	Commerce and Navigation	Jan. 24, 1891	April 2, 1892
Corea (Korea) .	Peace, Amity, Commerce, and Navigation	May 22, 1882	June 4, 1883
Costa Rica..	Friendship, Commerce, and Navigation	July 10, 1851	May 26, 1852
Costa Rica..	Claims	July 2, 1860	Nov. 11, 1861
Costa Rica..	Copyright Proclamation .	.....	Oct. 19, 1899
Costa Rica..	Interoceanic Canal	Dec. 1, 1900	.....
Costa Rica..	Arbitration	Jan. 13, 1909	July 21, 1909
Costa Rica..	Naturalization	June 10, 1911	June 6, 1912
Costa Rica..	Advancement of Peace...	Feb. 13, 1914	.....
Cuba	Commercial Reciprocity .	Dec. 11, 1902	Dec. 17, 1903
Cuba	Supplementary Commercial Reciprocity	Jan. 26, 1903	Dec. 17, 1903
Cuba	Agreement for Lease of Land for Coaling Station	Feb. 16, 1903	.....
Cuba	Lease of Land for Coaling Station	July 2, 1903.	.....
Cuba	Relations with	May 22, 1903	July 2, 1904
Cuba	Copyright Proclamation .	Nov. 17, 1903	.....
Cuba	Supplementary Relations with	Jan. 20, 1904	July 2, 1904

Country.	*Subject.*	*Signed.*	*Proclaimed.*
Cuba	Extradition	April 6, 1904.	Feb. 8, 1905
Cuba	Amendatory Extradition .	Dec. 6, 1904.	Feb. 8, 1905
Denmark ...	Friendship, Commerce, and Navigation	April 26, 1826	Oct. 14, 1826
Denmark ...	Claims	Mar. 28, 1830	June 5, 1830
Denmark ...	Discontinuing Sound Dues	April 11, 1857	Jan. 13, 1858
Denmark ...	Consular	July 11, 1861	Sept. 20, 1861
Denmark ...	Naturalization	July 20, 1872	April 15, 1873
Denmark ...	Readmeasurement of Vessels	Feb. 26, 1886	.....
Denmark ...	Claims	Dec. 6, 1888.	May 24, 1899
Denmark ...	Trade-marks	June 15, 1892	Oct. 12, 1892
Denmark ...	Copyright Proclamation .	.....	May 8, 1893
Denmark ...	Extradition	Jan. 6, 1902.	April 17, 1902
Denmark ...	Extradition Supplementary	Nov. 6, 1905	Feb. 19, 1906
Denmark ...	Industrial Designs and Models	June 22, 1906	.....
Denmark ...	Trade-marks in China ...	Mar. 19, 1907	.....
Denmark ...	Arbitration	May 18, 1908	May 29, 1909
Denmark ...	Advancement of Peace...	Feb. 5, 1914.	.....
Dominican Republic .	Amity, Commerce, Navigation, and Extradition .	Feb. 8, 1867.	Oct. 24, 1867
Dominican Republic .	Claims	Jan. 31, 1903	.....
Dominican Republic .	Collection and Application of the Customs Revenues	Feb. 8, 1907.	July 25, 1907
Dominican Republic .	Extradition	June 19, 1909	Aug. 26, 1910
Dominican Republic .	Advancement of Peace...	Feb. 17, 1914	.....
Ecuador ...	Peace, Friendship, Navigation, and Commerce..	June 13, 1839	Sept. 23, 1842
Ecuador ...	Claims	Nov. 25, 1862	Sept. 8, 1864
Ecuador ...	Naturalization	May 6, 1872.	Nov. 24, 1873
Ecuador ...	Extradition	June 28, 1872	Dec. 24, 1873
Ecuador ...	Claims	Feb. 28, 1893	Nov. 7, 1894
Ecuador ...	Arbitration	Jan. 7, 1909.	June 23, 1910
Ecuador ...	Advancement of Peace...	Oct. 13, 1914	.....
Egypt	Commercial Agreement and Customs Regulations	Nov. 16, 1884	May 7, 1885
Ethiopia ...	Commercial Relations	Dec. 27, 1903	Sept. 30, 1904
France	Amity and Commerce	Feb. 6, 1778.	.....
France	Alliance	Feb. 6, 1778.	.....
France	Act Separate and Secret..	Feb. 6, 1778.	.....
France	Contract for Payment of Loans	July 16, 1782	.....
France	Contract for New Loan..	Feb. 25, 1783	.....

Country.	*Subject.*	*Signed.*	*Proclaimed.*
France	Consular	Nov. 14, 1788	.....
France	Peace, Commerce, and Navigation	Sept. 30, 1800	Dec. 21, 1801
France	Preliminary and Secret Treaty Concerning Louisiana	Oct. 1, 1800.	.....
France	Cession of Louisiana	April 30, 1803	Oct. 21, 1803
France	Payment for Louisiana ..	April 30, 1803	Oct. 21, 1803
France	Claims	April 30, 1803	Oct. 21, 1803
France	Navigation and Commerce	June 24, 1822	Feb. 12, 1823
France	Separate Article	June 24, 1822	Feb. 12, 1823
France	Claims and Duties on Wines and Cotton	July 4, 1831.	July 13, 1832
France	Extradition	Nov. 9, 1843.	April 13, 1844
France	Extradition, Additional Article	Feb. 24, 1845	July 24, 1845
France	Consular	Feb. 23, 1853	Aug. 12, 1853
France	Extradition, Additional Article	Feb. 10, 1858	Feb. 14, 1859
France	Trade-marks	April 16, 1869	July 6, 1869
France	Claims	Jan. 15, 1880	June 25, 1880
France	Claims	July 19, 1882	Dec. 29, 1882
France	Claims	Feb. 18, 1883	June 25, 1883
France	Copyright	.....	July 1, 1891
France	Commercial Agreement ..	May 28, 1898	May 30, 1898
France	Commercial Agreement, Amendatory	Aug. 20, 1902	Aug. 22, 1902
France	Relations in Tunis	Mar. 15, 1904	May 9, 1904
France	Trade-marks in China ...	Oct. 3, 1905	.....
France	Commercial Agreement ..	Jan. 28, 1908	.....
France	Arbitration	Feb. 10, 1908	Mar. 14, 1908
France	Extradition	Jan. 6, 1909	June 1, 1872
France	Arbitration.	Aug. 3, 1911	July 26, 1911
France	Arbitration.	Feb. 13, 1913	.....
France	Advancement of Peace...	Sept. 15, 1914	Mar. 15, 1915
German Empire	Consular	Dec. 11, 1871	.....
German Empire	General Act Concerning Samoa	June 14, 1889	June 1, 1872
German Empire	Settlement of Samoan Claims	Nov. 7, 1899	May 21, 1890
German Empire	Adjustment of Questions Concerning Samoa	Dec. 2, 1899.	Mar. 8, 1900
German Empire	Copyright	Jan. 15, 1892	Feb. 16, 1900
German Empire	Commercial Agreement ..	July 10, 1900	.....
German Empire	Trade-marks in Morocco..	Sept. 28, 1901	July 13, 1900

Country.	*Subject.*	*Proclaimed.*	*Signed.*
German Empire	Trade-marks in China....	Dec. 6, 1905.	.....
German Empire	Commercial Agreement ..	Feb. 27, 1906	.....
German Empire	Commercial Agreement ..	April 27, 1907	May 2, 1907
German Empire	Patents	Feb. 23, 1909	Aug. 1, 1909
German Empire	Advancement of Peace...	.....	.....
Great Britain	Provisional Peace	Nov. 30, 1782	April 11, 1783
Great Britain	Armistice, Cessation of Hostilities	Jan. 20, 1783	.....
Great Britain	Definitive Peace	Sept. 3, 1783.	Jan. 14, 1784
Great Britain	Amity, Commerce, and Navigation	Nov. 19, 1794	Feb. 29, 1796
Great Britain	Explanatory to Article III of Treaty Nov. 19, 1794	May 4, 1796.	May 9, 1796 [a]
Great Britain	Explanatory to Article V, Treaty Nov. 19, 1794...	May 15, 1798	June 5, 1798 [a]
Great Britain	Payment of Indemnities and Settlement of Debts	Jan. 8, 1802.	April 27, 1802
Great Britain	Peace and Amity	Dec. 24, 1814	Feb. 18, 1815
Great Britain	Commerce and Navigation	July 3, 1815.	Dec. 22, 1815
Great Britain	Naval Forces on Great Lakes	April 28, 1817	April 28, 1818
Great Britain	Fisheries, Boundary, and Restoration of Slaves..	Oct. 20, 1818.	Jan. 30, 1819
Great Britain	Indemnity Under the Award of Emperor of Russia	July 12, 1822	Jan. 11, 1823
Great Britain	Indemnity for Slaves	Nov. 13, 1826	Mar. 19, 1827
Great Britain	Continuing in Force Article III of Treaty of 1818	Aug. 6, 1827.	May 15, 1828
Great Britain	Commercial	Aug. 6, 1827.	May 15, 1828
Great Britain	Arbitration Northeastern Boundary	Sept. 29, 1827	May 15, 1828
Great Britain	Boundaries, Suppression of Slave Trade, and Extradition (Webster-Ashburton)	Aug. 9, 1842.	Nov. 10, 1842
Great Britain	Boundary West of Rocky Mountains	June 15, 1846	Aug. 5, 1846
Great Britain	Ship Canal Connecting Atlantic and Pacific Oceans	April 19, 1850	July 5, 1850
Great Britain	Cession of Horseshoe Reef	Dec. 9, 1850.	July 5, 1850

[a] Ratified by Senate.

Country.	*Subject.*	*Signed.*	*Proclaimed.*
Great Britain	Claims	Feb. 8, 1853.	Aug. 20, 1853
Great Britain	Reciprocity, Fisheries, and Navigation	June 5, 1854.	Sept. 11, 1854
Great Britain	Claims	July 17, 1854	Sept. 11, 1854
Great Britain	Suppression of African Slave Trade	April 7, 1862.	June 7, 1862.
Great Britain	Suppression of Slave Trade, Additional Articles	Feb. 17, 1863	April 22, 1863
Great Britain	Claims	July 1, 1863.	Mar. 5, 1864
Great Britain	Declaration Approving Maps Under Treaty of 1846	Feb. 24, 1870	.....
Great Britain	Naturalization	May 13, 1870	Sept. 16, 1870
Great Britain	Suppression of Slave Trade	June 3, 1870.	Sept. 16, 1870
Great Britain	Naturalization	Feb. 23, 1871	May 5, 1871
Great Britain	Claims, Fisheries, Navigation, and Boundary (Treaty of Washington)	May 8, 1871.	July 4, 1871
Great Britain	Meeting Places for Commission Under Treaty of 1871	Jan. 18, 1873	April 15, 1873
Great Britain	Protocol Respecting Northwest Water Boundary	Mar. 10, 1873	.....
Great Britain	Protocol in Reference to Treaty of 1871	June 7, 1873.	.....
Great Britain	Protocol in Reference to Treaty of 1871	May 28, 1874	.....
Great Britain	Trade-marks	Oct. 24, 1877	July 17, 1878
Great Britain	Agreement Respecting Fisheries Under Treaty of 1871	June 22, 1885	.....
Great Britain	Original Modus Vivendi Concerning Fisheries...	Feb. 15, 1888	.....
Great Britain	General Act Concerning Samoan Islands	June 14, 1889	May 21, 1890
Great Britain	Extradition	July 12, 1889	Mar. 25, 1890
Great Britain	Claims	June 13, 1891	.....
Great Britain	Modus Vivendi Respecting Fur-Seal Fisheries.	June 15, 1891	June 15, 1891
Great Britain	Agreement as to Articles for Insertion in Bering Sea Arbitration Agreement	Dec. 18, 1891	.....
Great Britain	Copyright Proclamation	.....	July 1, 1891

Country.	*Subject.*	*Signed.*	*Proclaimed.*
Great Britain	Fur Seals in Behring Sea	Feb. 29, 1892	May 9, 1892
Great Britain	Renewal of Existing Modus Vivendi in Bering Sea	April 18, 1892	May 9, 1892
Great Britain	Deserters from Merchant Vessels	June 3, 1892.	Aug. 1, 1892
Great Britain	Deliminating Boundaries.	July 22, 1892	Aug. 26, 1892
Great Britain	Extending Terms of Alaskan Boundary Commission	Feb. 3, 1894.	Mar. 28, 1894
Great Britain	Claims	Feb. 8, 1896.	June 11, 1896
Great Britain	Protocol in Reference to Joint High Commission	1898	
Great Britain	Tenure and Disposition of Property	Mar. 2, 1899.	Aug. 6, 1900
Great Britain	Boundary About Head of Lynn Canal	Oct. 20, 1899	
Great Britain	Samoan Claims	Nov. 7, 1899.	Mar. 8, 1900
Great Britain	Adjusting Questions Concerning Samoa	Dec. 2, 1899.	Feb. 16, 1900
Great Britain	Trade-marks in Morocco.	Dec. 6, 1899.	
Great Britain	Supplementary Extradition	Dec. 13, 1900	April 22, 1901
Great Britain	To Facilitate the Construction of a Ship Canal. (Hay-Pauncefote Treaty)	Nov. 18, 1901	Feb. 22, 1902
Great Britain	Supplementary Tenure and Disposition of Property	Jan. 13, 1902	April 2, 1902
Great Britain	Import Duties in Zanzibar	May 31, 1902	Oct. 17, 1902
Great Britain	Alaskan Boundary	Jan. 24, 1903	Mar. 3, 1903.
Great Britain	Light and Harbor Dues in Zanzibar	June 5, 1903.	Dec. 24, 1903
Great Britain	Relinquishing Extra-Territorial Rights in Zanzibar	Feb. 25, 1905	June 12, 1905
Great Britain	Acceptance of Report of Commissioners Fixing Alaskan Boundary	Mar. 25, 1905	
Great Britain	Supplementary Extradition	April 12, 1905	Feb. 12, 1907
Great Britain	Trade-marks in China	June 28, 1905	
Great Britain	Alaskan Boundary	April 21, 1906	Aug. 21, 1906
Great Britain	Modus Vivendi in Regard to Fisheries	Oct. 6, 1906.	
Great Britain	Patents in Morocco	Feb. 4, 1907.	
Great Britain	Modus Vivendi in Regard to Fisheries	Sept. 4, 1907.	

Country.	*Subject.*	*Signed.*	*Proclaimed.*
Great Britain	Commercial	Nov. 19, 1907	Dec. 5, 1907
Great Britain	Arbitration	April 4, 1908.	June 5, 1908
Great Britain	Canadian International Boundary	April 11, 1908	July 1, 1908
Great Britain	Fisheries	April 11, 1908	July 1, 1908
Great Britain	Conveyance of Prisoners, Wreckage and Salvage.	May 18, 1908	July 10, 1908
Great Britain	Modus Vivendi in Regard to Fisheries	July 15, 1908	.....
Great Britain	Special Agreement Submitting to Arbitration North Atlantic Coast..	Jan. 27, 1909	.....
Great Britain	Modus Vivendi in Regard to Fisheries	Sept. 8, 1909.	.....
Great Britain	Boundary Waters Between U. S. and Canada	Jan. 11, 1909	May 13, 1910
Great Britain	Passamaquoddy Bay	May 21, 1910	Sept. 3, 1910
Great Britain	Pecuniary Claims	Aug. 18, 1910	April 26, 1912
Great Britain	Fur Seals	Feb. 7, 1911.	Dec. 14, 1911
Great Britain	Fur Seals	July 7, 1911.	Dec. 14, 1911
Great Britain	Arbitration	Aug. 3, 1911.	.....
Great Britain	Atlantic Fisheries Arbitration	July 20, 1912	Nov. 16, 1912
Great Britain	Advancement of Peace...	Sept. 15, 1914	Nov. 11, 1914
Greece	Commerce and Navigation	Dec. 22, 1837	Aug. 30, 1838
Greece	Protocol Explanatory of Treaty of 1837	Jan. 30, 1890	.....
Greece	Consular	Nov. 19, 1902	July 11, 1903
Greece	Advancement of Peace...	Oct. 13, 1914	.....
Guatemala .	Peace, Friendship, Commerce, and Navigation.	Mar. 3, 1849.	July 28, 1852
Guatemala .	Claims	Feb. 23, 1900	.....
Guatemala .	Claims, Supplemental ...	May 10, 1900	.....
Guatemala .	Trade-marks	April 15, 1901	April 11, 1902
Guatemala .	Tenure and Disposition of Property	Aug. 27, 1901	Sept. 18, 1902
Guatemala .	Extradition	Feb. 27, 1903	July 17, 1903
Guatemala .	Patents	Nov. 10, 1906	July 9, 1907
Guatemala .	Advancement of Peace...	Sept. 30, 1913	Oct. 13, 1914
Haiti (*see* Hayti).			
Hanover ...	Commerce and Navigation	May 20, 1840	Jan. 2, 1841
Hanover ...	Commerce and Navigation	June 10, 1846	April 24, 1847
Hanover ...	Extradition	Jan. 18, 1855	May 5, 1855
Hanover ...	Abolishing Stade Dues ..	Nov. 6, 1861.	June 17, 1862
Hanover ...	Protocol Abolishing Stade Dues	Nov. 6, 1861.	.....
Hanseatic Republics.	Friendship, Commerce, and Navigation	Dec. 20, 1827	June 2, 1828

Country.	*Subject.*	*Signed.*	*Proclaimed.*
Hanseatic Republics.	Additional Article	June 4, 1828.	July 29, 1829
Hanseatic Republics.	Consular	April 30, 1852	June 6, 1853
Hawaiian Islands ..	Friendship, Commerce, Navigation, Extradition.	Dec. 20, 1849	Nov. 9, 1850
Hawaiian Islands ..	Reciprocity	Jan. 30, 1875	June 3, 1875
Hawaiian Islands ..	Protocol in Reference to Reciprocity	Sept. 9, 1876.	.....
Hawaiian Islands ..	Reciprocity	Dec. 6, 1884.	Nov. 9, 1887
Hayti	Amity, Commerce, Navigation, and Extradition	Nov. 3, 1864.	July 6, 1865
Hayti	Claims	May 28, 1884	.....
Hayti	Claims	Mar. 20, 1885	.....
Hayti	Claims	May 24, 1888	.....
Hayti	Claims	Oct. 18, 1899	.....
Hayti	Claims	June 30, 1900	.....
Hayti	Naturalization	Mar. 22, 1902	Mar. 24, 1904
Hayti	Supplemental Naturalization	Feb. 28, 1903	Mar. 24, 1904
Hayti	Extradition	Aug. 9, 1904.	June 28, 1905
Hayti	Arbitration	Jan. 7, 1909.	Nov. 16, 1909
Hayti	Advancement of Peace...	.....	.....
Hesse	Abolishing Droit d'Baine.	Mar. 26, 1844	May 8, 1845
Hesse	Naturalization	Aug. 1, 1868.	Aug. 31, 1869
Honduras ..	Friendship, Commerce, and Navigation	July 4, 1864.	May 30, 1865
Honduras ..	Naturalization	June 23, 1908	June 8, 1909
Honduras ..	Extradition	Jan. 15, 1909	July 10, 1912
Honduras ..	Advancement of Peace...	Nov. 3, 1913.	.....
Italy	Consular	Feb. 8, 1868.	Feb. 23, 1869
Italy	Extradition	Mar. 23, 1868	Sept. 30, 1868
Italy	Extradition, Additional ..	Jan. 21, 1869	May 11, 1869
Italy	Consular, Additional	Jan. 21, 1869	May 11, 1869
Italy	Commerce and Navigation	Feb. 26, 1871	Nov. 23, 1871
Italy	Consular	May 8, 1878.	Sept. 27, 1878
Italy	Consular, Supplemental .	Feb. 24, 1881	June 29, 1881
Italy	Trade-mark	June 1, 1882.	Mar. 19, 1884
Italy	Extradition, Additional ..	June 11, 1884	April 24, 1885
Italy	Copyright	.....	Oct. 31, 1892
Italy	Commercial	Feb. 8, 1900.	July 18, 1900
Italy	Trade-marks in Morocco..	June 13, 1903	.....
Italy	Trade-marks in China ...	Dec. 18, 1905	.....
Italy	Arbitration	Mar. 28, 1908	Jan. 25, 1909
Italy	Commercial, Supplementary	April 24, 1909	.....
Italy	Commerce and Navigation	Feb. 25, 1913	.....

Country.	*Subject.*	*Signed.*	*Proclaimed.*
Italy	Advancement of Peace	May 5, 1914.	.....
Japan	Peace, Amity, and Commerce	Mar. 31, 1854	June 22, 1855
Japan	Commerce and Consular	June 17, 1857	June 30, 1858
Japan	Commerce and Navigation	July 29, 1858	May 23, 1860
Japan	Reduction of Import Duties	Jan. 28, 1864	April 9, 1866
Japan	Simonoseki Indemnities	Oct. 22, 1864	April 9, 1866
Japan	Tariff of Duties	June 25, 1866	.....
Japan	Commercial	July 25, 1878	April 8, 1879
Japan	Reimbursing Shipwreck Expenses	May 17, 1880	Oct. 3, 1881
Japan	Extradition	April 29, 1886	Nov. 3, 1886
Japan	Commerce and Navigation	Nov. 22, 1894	Mar. 21, 1895
Japan	Protocol	Nov. 22, 1894	.....
Japan	Patents, Trade-marks, and Designs	Jan. 13, 1897	Mar. 9, 1897
Japan	Copyright	Nov. 10, 1905	May 17, 1906
Japan	Extradition, Supplemental	May 17, 1907	Sept. 26, 1906
Japan	Arbitration	May 5, 1908.	Sept. 1, 1908
Japan	Trade-marks in Corea	May 19, 1908	Aug. 11, 1908
Japan	Trade-marks in China	May 19, 1908	Aug. 11, 1908
Japan	Exchange of Notes Declaring Policy in the Far East	Nov. 30, 1908	.....
Japan	Commerce and Navigation	Feb. 21, 1911	April 5, 1911
Japan	Fur Seals	July 7, 1911.	Dec. 14, 1911
Lew Chew	Friendship and Commerce	July 11, 1854	Mar. 9, 1855
Liberia	Commerce and Navigation	Oct. 21, 1862	Mar. 18, 1863
Luxemburg	Extradition	Oct. 29, 1883	Aug. 12, 1884
Luxemburg	Trade-marks	Dec. 23, 1904	Mar. 15, 1905
Madagascar	Commerce and Navigation	Feb. 14, 1867	Oct. 1, 1868
Madagascar	Friendship and Commerce	May 13, 1881	Mar. 13, 1883
Mecklenburg-Schwerin	Commerce and Navigation	Dec. 9, 1947.	Aug. 2, 1848
Mecklenburg-Schwerin	Extradition	Nov. 26, 1853	Jan. 6, 1854
Mecklenburg-Strelitz	Extradition	Dec. 2, 1853.	Jan. 26, 1854
Mexico	Limits	Jan. 12, 1828	April 5, 1832
Mexico	Limits	April 5, 1831.	April 5, 1832
Mexico	Amity, Commerce, and Navigation	April 5, 1831.	April 5, 1832
Mexico	Protocol Concerning Treaty of 1831	Sept. 7, 1831.	.....

Country.	*Subject.*	*Signed.*	*Proclaimed.*
Mexico	Protocol Concerning Treaty of 1831	Dec. 17, 1831	.....
Mexico	Additional Article to Treaty of 1828	April 3, 1835.	April 21, 1836
Mexico	Claims	April 11, 1839	April 8, 1840
Mexico	Claims	Jan. 30, 1843	Mar. 30, 1843
Mexico	Peace, Friendship, Limits, and Settlement (Guadalupe-Hidalgo)	Feb. 2, 1848.	July 4, 1848
Mexico	Boundary, Cession of Territory, Transit of Isthmus (Gadsden Treaty).	Dec. 30, 1853	June 30, 1854
Mexico	Extradition	Dec. 11, 1861	June 20, 1862
Mexico	Claims	July 4, 1868.	Feb. 1, 1869
Mexico	Regulating Citizenship of Emigrants	July 10, 1868	Feb. 1, 1869
Mexico	Claims	April 19, 1871	Feb. 8, 1873
Mexico	Claims	Nov. 27, 1872	July 24, 1873
Mexico	Claims	Jan. 31, 1873	.....
Mexico	Claims	Nov. 20, 1874	Jan. 28, 1875
Mexico	Claims	April 29, 1876	June 29, 1876
Mexico	Claims	Dec. 14, 1876	.....
Mexico	Boundary	July 29, 1882	Mar. 5, 1883
Mexico	Pursuit of Indians	July 29, 1882	.....
Mexico	Pursuit of Indians	Sept. 21, 1882	.....
Mexico	Commercial Reciprocity .	Jan. 20, 1883	June 2, 1884
Mexico	Protocols Concerning Commercial Reciprocity	Jan. 20, 1883	.....
Mexico	Pursuit of Indians	June 28, 1883	.....
Mexico	Pursuit of Indians	Oct. 31, 1884	.....
Mexico	Boundary	Nov. 12, 1884	Sept. 14, 1886
Mexico	Reciprocity	Feb. 25, 1885.	May 4, 1886.
Mexico	Pursuit of Indians	Oct. 16, 1885	.....
Mexico	Boundary	Dec. 5, 1885.	June 28, 1887
Mexico	Supplemental Commercial	May 14, 1886	Feb. 1, 1887
Mexico	Boundary	Feb. 18, 1889	Oct. 14, 1889
Mexico	Boundary	Mar. 1, 1889.	Dec. 26, 1890
Mexico	Pursuit of Indians	June 25, 1890	.....
Mexico	Pursuit of Indians	Nov. 25, 1892	.....
Mexico	Boundary	Aug. 24, 1894	Oct. 18, 1894
Mexico	Boundary	Oct. 1, 1895.	Dec. 21, 1895
Mexico	Copyright	.....	Feb. 27, 1896
Mexico	Pursuit of Indians	June 4, 1896.	.....
Mexico	Boundary	Nov. 6, 1896.	Dec. 23, 1896
Mexico	Claims	Mar. 2, 1897.	.....
Mexico	Boundary	Oct. 29, 1897	Dec. 21, 1897
Mexico	Boundary	Dec. 2, 1898.	Feb. 3, 1899
Mexico	Extradition	Feb. 22, 1899	April 24, 1899
Mexico	Boundary	Dec. 22, 1899	May 7, 1900

Country.	*Subject.*	*Signed.*	*Proclaimed.*
Mexico	Boundary	Nov. 21, 1900	Dec. 24, 1900
Mexico	Supplementary Extradition	June 25, 1902	April 3, 1903
Mexico	Claims "The Pious Fund"	May 22, 1902	.....
Mexico	Elimination of Bancos in the Rio Grande	Mar. 20, 1905	June 5, 1907
Mexico	Equitable Distribution of the Waters of the Rio Grande	May 21, 1906	Jan. 16, 1907
Mexico	Arbitration	Mar. 24, 1908	June 29, 1908
Mexico	Arbitration of Chamizal Case	June 24, 1910	Jan. 25, 1911
Mexico	Supplemental Protocol in Arbitration of Chamizal Case	Dec. 5, 1910.	Jan. 25, 1911
Morocco ...	Peace and Friendship ...	Jan. —, 1787	July 18, 1787
Morocco ...	Peace and Friendship ...	Sept. 16, 1836	Jan. 30, 1837
Morocco ...	Cape Spartel Light-House	May 31, 1865	Mar. 12, 1867
Morocco ...	Protection	July 3, 1880.	Dec. 21, 1881
Muscat	Amity and Commerce ...	Sept. 21, 1833	June 24, 1837
Nassau	Abolishing Droit d'Baine.	May 27, 1846	Jan. 26, 1847
Netherlands.	Peace and Commerce	Oct. 8, 1782.	Jan. 22, 1783
Netherlands.	Recaptured Vessels	Oct. 8, 1782.	Jan. 23, 1783
Netherlands.	Commerce and Navigation	Jan. 19, 1839	May 24, 1839
Netherlands.	Commerce and Navigation	Aug. 26, 1852	Feb. 26, 1853
Netherlands.	Consular	Jan. 22, 1855	May 26, 1855
Netherlands.	Consular	May 23, 1878	Aug. 1, 1879
Netherlands.	Extradition	May 22, 1880	July 30, 1880
Netherlands.	Trade-marks	Feb. 10, 1883	.....
Netherlands.	Extradition	June 2, 1887.	June 21, 1889
Netherlands.	Copyright	Nov. 19, 1899	.....
Netherlands.	Extradition	Jan. 18, 1904	May 31, 1904
Netherlands.	Trade-marks in China ...	Oct. 23, 1905	.....
Netherlands.	Commercial	May 16, 1907	Aug. 12, 1908
Netherlands.	Arbitration	May 2, 1908.	Mar. 25, 1909
Netherlands.	Advancement of Peace...	Dec. 18, 1913	.....
Nicaragua .	Friendship, Commerce, and Navigation	June 21, 1867	Aug. 13, 1868
Nicaragua .	Extradition	June 25, 1870	Sept. 19, 1871
Nicaragua .	Interoceanic Canal	Dec. 1, 1900.	.....
Nicaragua .	Claims	Mar. 22, 1900	.....
Nicaragua .	Extradition	Mar. 1, 1905.	June 15, 1907
Nicaragua .	Naturalization	Dec. 7, 1908.	May 10, 1912
Nicaragua .	Naturalization	June 17, 1911	May 10, 1912
Nicaragua .	Advancement of Peace...	Dec. 17, 1913	.....
North German Union	Naturalization	Feb. 22, 1868	May 27, 1868
Norway	Extradition	June 7, 1893.	Nov. 9, 1893
Norway	Extradition	Dec. 10, 1904	April 6, 1905

Country.	*Subject.*	*Signed.*	*Proclaimed.*
Norway	Copyright	.....	July 1, 1905
Norway	Arbitration	April 4, 1908.	June 29, 1908
Norway	Advancement of Peace...	June 24, 1914	Oct. 22, 1914
Oldenburg .	Commerce and Navigation	Mar. 10, 1847	.....
Oldenburg .	Extradition	Dec. 30, 1853	Mar. 21, 1853
Orange Free State	Friendship, Commerce, and Extradition	Dec. 22, 1871	Aug. 23, 1873
Orange Free State	Extradition	Oct. 28, 1896	April 21, 1899
Ottoman Empire ..	Commerce and Navigation	May 7, 1830.	Feb. 4, 1832
Ottoman Empire ..	Commerce and Navigation	Feb. 25, 1862	July 2, 1862
Ottoman Empire ..	Extradition	Aug. 11, 1874	May 26, 1875
Ottoman Empire ..	Right to Hold Real Estate	.....	Oct. 29, 1874
Panama	Ship Canal	Nov. 18, 1903	Feb. 26, 1904
Panama	Extradition	May 25, 1904	May 12, 1905
Panama	Ship Canal	Jan. 9, 1909	.....
Panama and Columbia.	Ship Canal	Jan. 9, 1909	.....
Panama	Advancement of Peace...	Sept. 20, 1913	.....
Paraguay ..	Claims	Feb. 4, 1859.	Mar. 12, 1860
Paraguay ..	Friendship, Commerce, and Navigation	Feb. 4, 1859.	Mar. 12, 1860
Paraguay ..	Arbitration	Mar. 13, 1909	Nov. 11, 1909
Paraguay ..	Advancement of Peace...	Aug. 26, 1914	.....
Persia	Friendship and Commerce	Dec. 13, 1856	Aug. 18, 1857
Persia	Advancement of Peace...	Feb. 14, 1914	.....
Peru-Bolivia	Peace, Friendship, Commerce, and Navigation.	Nov. 30, 1836	Oct. 3, 1836
Peru	Claims	Mar. 17, 1841	Jan. 8, 1847
Peru	Friendship, Commerce, and Navigation	July 26, 1851	July 19, 1852
Peru	Neutrals at Sea	July 22, 1856	Nov. 2, 1857
Peru	Whaling Ships	July 4, 1857.	Oct. 14, 1858
Peru	Claims	Dec. 20, 1862	May 19, 1863
Peru	Claims	Jan. 12, 1863	May 19, 1863
Peru	Claims	Dec. 4, 1868.	July 6, 1869
Peru	Friendship, Commerce, and Navigation	Sept. 6, 1870.	July 27, 1870
Peru	Extradition	Sept. 12, 1870	July 27, 1874
Peru	Agreement Concerning Treaty of 1870	June 5, 1873.	.....
Peru	Friendship, Commerce, and Navigation	Aug. 31, 1887	Nov. 7, 1888
Peru	Claims	May 17, 1898	.....
Peru	Claims	June 6, 1898.	.....

Country.	*Subject.*	*Signed.*	*Proclaimed.*
Peru	Extradition	Nov. 28, 1899	Jan. 29, 1901
Peru	Naturalization	Oct. 15, 1907	Sept. 2, 1909
Peru	Arbitration	Dec. 5, 1908.	June 30, 1909
Peru	Advancement of Peace...	July 14, 1914	.....
Portugal ...	Commerce and Navigation	Aug. 26, 1840	April 24, 1841
Portugal ...	Claims	Feb. 26, 1851	Sept. 1, 1851
Portugal ...	Claims	June 13, 1891	.....
Portugal ...	Copyright	.....	July 20, 1893
Portugal ...	Commercial	May 22, 1899	June 12, 1900
Portugal ...	Commercial, Additional..	Nov. 19, 1902	Jan. 24, 1907
Portugal ...	Arbitration	April 6, 1908.	Dec. 14, 1908
Portugal ...	Naturalization	May 7, 1908.	Dec. 14, 1908
Portugal ...	Extradition	May 7, 1908.	Dec. 14, 1908
Portugal ...	Advancement of Peace...	Sept. 20, 1913	Oct. 27, 1914
Prussia	Amity and Commerce ...	Sept. 10, 1785	.....
Prussia	Amity and Commerce ...	July 11, 1799	Nov. 4, 1800
Prussia	Commerce and Navigation	May 1, 1828.	Mar. 14, 1829
Prussia	Extradition	June 16, 1852	June 1, 1853
Roumania ..	Consular	June 17, 1881	July 9, 1883
Roumania ..	Trade-marks	Mar. 18, 1906	June 25, 1906
Russia	Pacific Ocean and North-west Coast of America.	April 17, 1824	Jan. 12, 1825
Russia	Commerce and Navigation	Dec. 18, 1832	May 11, 1833
Russia	Commerce and Navigation	Dec. 18, 1832	.....
Russia	Neutral Rights at Sea ...	July 22, 1854	Nov. 1, 1854
Russia	Cession of Alaska	Mar. 30, 1867	June 20, 1867
Russia	Trade-marks	Jan. 27, 1868	Oct. 15, 1868
Russia	Trade-marks	Mar. 28, 1874	Nov. 24, 1874
Russia	Admeasurement of Vessels	June 6, 1884.	.....
Russia	Extradition	Mar. 28, 1887	June 5, 1893
Russia	Fur-Seal Fisheries	May 4, 1894.	May 12, 1894
Russia	Claims	Aug. 26, 1900	.....
Russia	Corporations	June 25, 1904	June 15, 1909
Russia	Trade-marks in China ..	June 28, 1906	.....
Russia	Fur Seals	July 7, 1911.	Dec. 14, 1911
Russia	Advancement of Peace...	Oct. 31, 1914	.....
Salvador ...	Amity, Navigation, and Commerce	Jan. 2, 1850.	April 18, 1853
Salvador ...	Extradition	May 23, 1870	Mar. 4, 1874
Salvador ...	Amity, Commerce, and Consular	Dec. 6, 1870.	Mar. 13, 1874
Salvador ...	Extradition, Extension ..	May 12, 1873	Mar. 4, 1874
Salvador ...	Amity and Commerce, Extension	May 12, 1873	Mar. 13, 1874
Salvador ...	Claims	Dec. 19, 1901	.....
Salvador ...	Naturalization	Mar. 14, 1908	July 23, 1908
Salvador ...	Arbitration	Dec. 21, 1908	July 7, 1909
Salvador ...	Extradition	April 18, 1911	July 13, 1911

Country.	*Subject.*	*Signed.*	*Proclaimed.*
Salvador ...	Advancement of Peace...	Aug. 7, 1913.	.....
Samoan Islands	Commerce	Jan. 17, 1878	Feb. 13, 1878
Samoan Islands	General Act Concerning .	June 14, 1889	May 21, 1890
Samoan Islands	Claims	Nov. 7, 1899.	Mar. 8, 1900
Samoan Islands	Adjustment of Question Concerning	Dec. 2, 1899.	Feb. 16, 1900
San Marino.	Extradition	Jan. 10, 1906	June 12, 1908
Sardinia ...	Commerce and Navigation	Nov. 26, 1838	Mar. 18, 1839
Sardinia ...	Separate Article	Nov. 26, 1838	.....
Saxony	Abolition of Droit d'Baine	May 14, 1845	Sept. 9, 1846
Schaumburg Lippe ...	Extradition	June 7, 1854.	July 26, 1854
Servia	Commerce and Navigation	Oct. 14, 1881	Dec. 27, 1882
Servia	Consular	Oct. 14, 1881	Dec. 27, 1882
Servia	Extradition	Oct. 25, 1901	May 17, 1902
Siam	Amity and Commerce ...	Mar. 20, 1833	June 24, 1837
Siam	Amity and Commerce ...	May 29, 1856	Aug. 16, 1858
Siam	Modification of Treaty, 1856	Dec. 17, 1867	.....
Siam	Regulation Liquor Traffic	May 14, 1884	July 5, 1884
Spain	Friendship, Boundaries, Commerce, and Navigation	Oct. 27; 1795	Aug. 2, 1790
Spain	Claims	Aug. 11, 1802	Dec. 22, 1818
Spain	Friendship, Cession of the Floridas, and Boundaries	Feb. 22, 1819	Feb. 22, 1821
Spain	Claims	Feb. 17, 1834	Nov. 1, 1834
Spain	Claims	Feb. 11, 1871	.....
Spain	Claims	Feb. 27, 1875	.....
Spain	Extradition	Jan. 5, 1877.	Feb. 21, 1877
Spain	Judicial Procedure	Jan. 12, 1877	.....
Spain	Claims	Feb. 23, 1881	.....
Spain	Claims	May 6, 1882.	.....
Spain	Trade-marks	June 19, 1882	April 19, 1888
Spain	Extradition	Aug. 7, 1882.	April 19, 1883
Spain	Claims	June 2, 1883.	.....
Spain	Commercial Relations ...	Jan. 2, 1884.	.....
Spain	Discriminating Duties ...	Feb. 13, 1884	.....
Spain	Tonnage Duties	Oct. 27, 1886	.....
Spain	Tonnage Duties	Sept. 21, 1887	.....
Spain	Discriminating Duties ...	Dec. 21, 1887	.....
Spain	Commerce	May 26, 1888	.....
Spain	Commerce With Cuba and Porto Rico	June 19, 1891	.....

Country.	*Subject.*	*Signed.*	*Proclaimed.*
Spain	Copyright	.....	July 10, 1895
Spain	Protocol Embodying Terms of Peace	Aug. 12, 1898	.....
Spain	Peace	Dec. 10, 1898	April 11, 1899
Spain	Extending Time During Which Spanish Subjects May Declare Their Intention to Retain Spanish Nationality	Mar. 29, 1900	April 28, 1900
Spain	Cession of Outlying Islands	Nov. 7, 1900.	Mar. 23, 1901
Spain	Letters Rogatory	Aug. 7, 1901.	.....
Spain	Friendship and General Relations	July 3, 1902.	April 20, 1903
Spain	Copyright	Nov. 26, 1902	.....
Spain	Extradition	June 15, 1904	May 21, 1908
Spain	Commercial	Aug. 1, 1906.	.....
Spain	Supplemental Commercial	Feb. 20, 1909	.....
Spain	Arbitration	April 20, 1908	June 3, 1908
Spain	Advancement of Peace...	Sept. 15, 1914	.....
Sweden	Amity and Commerce ...	April 3, 1783.	Sept. 25, 1783
Sweden	Separate Articles	April 3, 1783.	.....
Sweden	Extradition	Jan. 14, 1893	Mar. 18, 1893
Sweden	Arbitration	May 2, 1908.	Sept. 1, 1908
Sweden	Consular	June 1, 1910.	Mar. 20, 1911
Sweden	Advancement of Peace...	Nov., 1914...	.....
Sweden and Norway ..	Amity and Commerce ...	Sept. 4, 1816.	Dec. 31, 1818
Sweden and Norway ..	Commerce and Navigation	July 4, 1827.	Jan. 19, 1828
Sweden and Norway ..	Separate Article	July 4, 1827.	.....
Sweden and Norway ..	Extradition	Mar. 21, 1860	Dec. 21, 1860
Sweden and Norway ..	Naturalization	May 26, 1869	Jan. 12, 1872
Sweden and Norway ..	Protocol	May 26, 1869	.....
Switzerland .	Property	May 18, 1847	May 4, 1848
Switzerland .	Friendship, Commerce, and Extradition	Nov. 25, 1850	Nov. 9, 1855
Switzerland .	Trade-marks	April 27, 1883	.....
Switzerland .	Copyright	.....	July 1, 1891
Switzerland .	Extradition	May 14, 1900	Feb. 28, 1901
Switzerland .	Commercial	.....	Jan. 1, 1906
Switzerland .	Arbitration	Feb. 29, 1908	Dec. 23, 1908
Switzerland .	Advancement of Peace...	Feb. 14, 1914	.....
Texas	Claims	April 11, 1838	July 6, 1838

Country.	*Subject.*	*Signed.*	*Proclaimed.*
Texas	Boundary	April 25, 1838	Oct. 13, 1838
Tonga	Amity, Commerce, and Navigation	Oct. 2, 1886.	Sept. 18, 1888
Tripoli	Peace and Friendship ...	Nov. 4, 1796.	June 10, 1797
Tripoli	Peace and Amity	June 4, 1805.	.....
Tunis	Amity, Commerce, and Navigation	Aug., 1797...	.....
Tunis	Commerce and Navigation	Feb. 24, 1824	Jan. 21, 1825
Two Sicilies.	Claims	Oct. 14, 1832	Aug. 27, 1833
Two Sicilies.	Claims	Dec. 26, 1835	.....
Two Sicilies.	Commerce and Navigation	Dec. 1, 1845.	July 24, 1846
Two Sicilies.	Neutrals at Sea	Jan. 13, 1855	July 16, 1855
Two Sicilies.	Amity, Commerce, Navigation, and Extradition	Oct. 1, 1855.	Dec. 10, 1856
Uruguay ...	Extradition	Mar. 11, 1905	July 10, 1908
Uruguay ...	Naturalization	Aug. 10, 1908	June 19, 1909
Uruguay ...	Advancement of Peace...	July 20, 1914	.....
Venezuela ..	Peace, Amity, Commerce, and Navigation	Jan. 20, 1836	June 30, 1836
Venezuela ..	Claims	May 1, 1852.	.....
Venezuela ..	Claims	Jan. 14, 1859	.....
Venezuela ..	Amity, Commerce, Navigation, and Extradition	Aug. 27, 1860	Sept. 25, 1861
Venezuela ..	Claims	April 25, 1866	May 29, 1867
Venezuela ..	Claims	Dec. 5, 1885.	June 4, 1889
Venezuela ..	Claims	Mar. 15, 1888	June 4, 1889
Venezuela ..	Claims	Oct. 5, 1888.	June 4, 1889
Venezuela ..	Claims	Jan. 19, 1892	July 30, 1894
Venezuela ..	Claims	Feb. 17, 1903	.....
Venezuela ..	Claims	May 7, 1903.	.....
Venezuela ..	Claims	Feb. 13, 1909	.....
Venezuela ..	Claims	Aug. 21, 1909	.....
Venezuela ..	Claims	Sept. 9, 1909.	.....
Venezuela ..	Advancement of Peace...	Mar. 21, 1914	.....
Wurttemberg	Abolishing Droit d'Baine	April 10, 1844	Dec. 16, 1844
Wurttemberg	Extradition	Oct. 13, 1853	Dec. 27, 1853
Wurttemberg	Naturalization and Extradition	July 27, 1868	Mar. 3, 1870
Wurttemberg	Protocol Explanatory ...	July 27, 1868	.....
Zanzibar ...	Duties on Liquors, and Consular Powers	July 3, 1886.	Aug. 17, 1888

INTERNATIONAL ACTS AND CONVENTIONS

Subject.	*Signed.*	*Proclaimed.*
Amelioration of the Condition of the Wounded in Time of War	Aug. 22, 1854	July 26, 1882
Additional articles	.....	.....
Bureau of Weights and Measures	May 20, 1875	Sept. 27, 1878
Protection of Industrial Property	Mar. 20, 1883	June 11, 1887
Protection of Submarine Cables	Mar. 14, 1884	May 22, 1885
International Exchange of Documents.	Mar. 15, 1886	Jan. 15, 1889
Immediate Exchange of Documents	Mar. 15, 1886	Jan. 15, 1889
Protocol Respecting Execution of Convention Relating to Protection of Submarine Cables	May 21, 1886	.....
Declaration Interpreting Convention Relating to Protection of Submarine Cables	Dec. 1, 1886.	May 1, 1888
Protocol Putting Convention Relating to Protection of Submarine Cables into Effect	July 7, 1887.	May 1, 1888
General Act for the Repression of the African Slave Trade	July 2, 1890.	April 2, 1892
Deposit of Ratifications	Feb. 2, 1892.	.....
Formation of an International Union for the Publication of Customs Tariffs	July 5, 1890.	Dec. 17, 1890
Supplementary Industrial Property	April 15, 1891	June 22, 1892
Adoption by the United States of the Additional Articles of the Geneva Convention as a Modus Vivendi During the War with Spain	May 13, 1898	.....
Adhesion of the United States to the Convention Regulating the Importation of Liquors into Africa	June 8, 1899.	Feb. 6, 1901
FIRST HAGUE PEACE CONFERENCE CONVENTIONS:		
Pacific Settlement of Disputes	July 29, 1899	Nov. 1, 1901
Launching Projectiles	July 29, 1899	Nov. 1, 1901
Adaption to Maritime Warfare of the Principles of the Geneva Convention	July 29, 1899	Nov. 1, 1901
Laws and Customs of War on Land	July 29, 1899	April 11, 1902
Additional Act for the Protection of Industrial Property	Dec. 14, 1900	Aug. 25, 1902
Final Protocol Entered into at the Conclusion of the Boxer Troubles in China in 1900	Sept. 7, 1901.	.....
Convention Between the United States and Other Powers on Literary and Artistic Copyrights	Jan. 27, 1902	April 9, 1908

Subject.	*Signed.*	*Proclaimed.*
Arbitration of Pecuniary Claims	Jan. 30, 1902	Mar. 24, 1905
International Sanitary Convention (Paris)	Dec. 3, 1903.	May 18, 1907
Repression of Trade in White Women.	May 18, 1904	June 15, 1908
Exemption of Hospital Ships from Payment of Dues	Dec. 21, 1904	May 21, 1907
International Institute of Agriculture.	June 7, 1905.	Jan. 29, 1908
New Agreement Between China and Certain Powers for the Whang-pu Conservancy	Sept. 27, 1905	.....
International Sanitary Convention (Central and South America)	Oct. 14, 1905	Mar. 1, 1909
General Act of the International Conference at Algeciras	April 7, 1906.	Jan. 22, 1907
International Red Cross Convention for the Amelioration of the Condition of Wounded of the Armies in the Field	July 6, 1906.	Aug. 3, 1907
Importation of Spirituous Liquors into Africa	Nov. 3, 1906.	Dec. 2, 1907
Unification of the Pharmacopœial Formulas for Potent Drugs	Nov. 29, 1906	.....
International Office of Public Health..	Dec. 9, 1907.	Nov. 17, 1908
Second Hague Peace Conference Conventions, 1907:		
I. Pacific Settlement of International Disputes	Oct. 18, 1907	Feb. 28, 1910
II. The Limitation of the Employment of Force for the Recovery of Contract Debts	Oct. 18, 1907	Feb. 28, 1910
III. Opening of Hostilities	Oct. 18, 1907	Feb. 28, 1910
IV. The Laws and Customs of War on Land	Oct. 18, 1907	Feb. 28, 1910
V. Rights and Duties of Neutrals in Land War	Oct. 18, 1907	Feb. 28, 1910
VIII. The Laying of Automatic Submarine Contact Mines.	Oct. 18, 1907	Feb. 28, 1910
IX. Bombardment by Naval Forces in Time of War...	Oct. 18, 1907	Feb. 28, 1910
X. The Adaption of the Principles of the Geneva Convention to Naval War ...	Oct. 18, 1907	Feb. 28, 1910
XI. Right of Capture in Naval War	Oct. 18, 1907	Feb. 28, 1910
XIII. Rights and Duties of Neutral Powers in Naval War	Oct. 18, 1907	Feb. 28, 1910
XIV. Declaration Prohibiting the Throwing of Projectiles and Explosives from Balloons	Oct. 18, 1907	Feb. 28, 1910

Subject.	*Signed.*	*Proclaimed.*
Final Act, Second Peace Conference	Oct. 18, 1907	Feb. 28, 1910
Signatures and Reservations, Second Peace Conference	Oct. 18, 1907	Feb. 28, 1910
Conventions Concluded at the Central American Peace Conference, 1907:		
Preliminary Protocol	Dec. 20, 1907	.....
General Treaty of Peace and Amity	Dec. 20, 1907	.....
Additional Treaty of Peace and Amity	Dec. 20, 1907	.....
Convention for Establishment of a Central American Court of Justice	Dec. 20, 1907	.....
Additional Protocol to the Convention for the Establishment of a Central American Court of Justice	Dec. 20, 1907	.....
Extradition Convention	Dec. 20, 1907	.....
Convention for the Establishment of an International Central American Bureau	Dec. 20, 1907	.....
Convention for the Establishment of a Central American Pedagogical Institute	Dec. 20, 1907	.....
Convention Concerning Future Central American Conferences	Dec. 20, 1907	.....
Convention on Communications	Dec. 20, 1907	.....
Pecuniary Claims	Aug. 13, 1906	Jan. 28, 1913
Status of Naturalized Citizens	Aug. 13, 1906	Jan. 28, 1913
International Law	Aug. 23, 1906	May 1, 1912
Wireless Telegraphy	Nov. 3, 1906.	May 25, 1912
Wireless Telegraphy	July 5, 1912.	.....
International Prize Court	Oct. 18, 1907	.....
Declaration of International Naval Conference	Feb. 26, 1909	.....
Repression of the Circulation of Obscene Publications	May 4, 1910.	April 13, 1911
Assistance and Salvage at Sea	Sept. 23, 1910	Feb. 13, 1913
Fourth International Congress of American States:		
Pecuniary Claims	Aug. 11, 1910	.....
Literary and Artistic Copyrights	Aug. 11, 1910	.....
Protection of Trade-marks	Aug. 22, 1910	.....
Inventions, Patents, designs, and Industrial Models	Aug. 20, 1910	.....
Industrial Property	June 2, 1911.	.....
International Sanitation	Jan. 17, 1912	.....

APPENDIX II—DOCUMENTARY

I

PEACE AND INDEPENDENCE

The definitive treaty of peace with Great Britain, of 1783, ran in its most essential parts as follows:

In the Name of the most Holy & undivided Trinity.

It having pleased the divine Providence to dispose the Hearts of the most Serene and Most Potent Prince George the third, by the Grace of God, King of Great Britain, France, & Ireland, Defender of the Faith, Duke of Brunswick and Luneburg, Arch-Treasurer, and Prince Elector of the Holy Roman Empire &c^{a}., and of the United States of America to forget all past Misunderstandings and Differences that have unhappily interrupted the good Correspondence and Friendship which they mutually wish to restore; and to establish such a beneficial and satisfactory Intercourse between the two Countries upon the Ground of reciprocal Advantages and mutual Convenience as may promote and secure to both perpetual Peace & harmony; . . . have constituted & appointed . . . Plenipotentiaries for the concluding and signing the present Definitive Treaty; who after having reciprocally communicated their respective full Powers, have agreed upon and confirmed the following Articles:

ARTICLE 1st

His Britannic Majesty acknowledges the s^{d} United States, viz. New-Hampshire, Massachusetts Bay, Rhode-Island & Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina & Georgia, to be free sovereign & Independent States; that he treats with them as such, and for himself his Heirs and Successors, relinquishes all claims to the Government Propriety & Territorial Rights of the same & every Part thereof.

ARTICLE 4th

It is agreed that Creditors on either Side shall meet with no lawful Impediment to the Recovery of the full Value in Sterling Money of all bona fide Debts heretofore contracted.

ARTICLE 5th

It is agreed that the Congress shall earnestly recommend it to the Legislatures of the respective States to provide for the Restitution of all Estates, Rights and Properties which have been confiscated belonging to real British Subjects; and also of the Estates Rights and Properties of Persons resident in Districts in the Possession of his Majesty's Arms, and who have not borne Arms against the said United States. And that Persons of any other Description shall have free Liberty to go to any Part or Parts of any of the thirteen United States and therein to remain twelve Months unmolested in their Endeavours to obtain the Restitution of such of their Estates Rights & Properties as may have been confiscated. And that Congress shall also earnestly recommend to the several States, a Reconsideration and Revision of all Acts or Laws regarding the Premises, so as to render the said Laws or Acts perfectly consistent, not only with Justice and Equity, but with that Spirit of Conciliation, which, on the Return of the Blessings of Peace should universally prevail. And that Congress shall also earnestly recommend to the several States, that the Estates, Rights and Properties of such last mentioned Persons shall be restored to them, they refunding to any Persons who may be now in Possession, the bonâ fide Price (where any has been given) which such Persons may have paid on purchasing any of the said Lands, Rights or Properties, since the Confiscation.

And it is agreed that all Persons who have any Interest in confiscated Lands, either by Debts, Marriage Settlements, or otherwise, shall meet with no lawful Impediment in the Prosecution of their just Rights.

ARTICLE 6th

That there shall be no future Confiscations made nor any Prosecutions commenc'd against any Person or Persons for or by Reason of the Part, which he or they may have taken in the present War, and that no Person shall on that Account suffer any future Loss or Damage, either in his Person Liberty or Property; and that those who may be in Confinement on such Charges at the Time of the Ratification of the Treaty in America shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

ARTICLE 7th

There shall be a firm and perpetual Peace between his Britannic Majesty and the said States and between the Subjects of the one, and the Citizens of the other, wherefore all Hostilities both by Sea and

Land shall from henceforth cease: All Prisoners on both Sides shall be set at Liberty, and his Britannic Majesty shall with all convenient speed, and without causing any Destruction, or carrying away any Negroes or other Property of the American Inhabitants, withdraw all his Armies, Garrisons & Fleets from the said United States, and from every Port, Place and Harbour within the same; leaving in all Fortifications the American Artillery that may be therein: And shall also order & cause all Archives, Records, Deeds & Papers belonging to any of the said States, or their Citizens, which in the Course of the War may have fallen into the Hands of his Officers, to be forthwith restored and deliver'd to the proper States and Persons to whom they belong.

II

NEUTRALITY

The foundation of the American system of neutrality was laid in this proclamation of Washington's on April 22, 1793:

WHEREAS it appears that a state of war exists between Austria, Prussia, Sardinia, Great Britain, and the United Netherlands, of the one part, and France on the other; and the duty and interest of the United States require, that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent Powers:

I have therefore thought fit by these presents to declare the disposition of the United States to observe the conduct aforesaid towards those Powers respectively; and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever, which may in any manner tend to contravene such disposition.

And I do hereby also make known, that whosoever of the citizens of the United States shall render himself liable to punishment or forfeiture under the law of nations, by committing, aiding, or abetting hostilities against any of the said Powers, or by carrying to any of them those articles which are deemed contraband by the *modern* usage of nations, will not receive the protection of the United States, against such punishment or forfeiture; and further, that I have given instructions to those officers, to whom it belongs, to cause prosecutions to be instituted against all persons, who shall, within the cognizance of the courts of the United States, violate the law of nations, with respect to the Powers at war, or any of them.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the twenty-second day of

April, one thousand seven hundred and ninety-three, and of the Independence of the United States of America the seventeenth.

GEO. WASHINGTON.

III

THE TREATY OF GHENT

The following are those portions of the Treaty of Ghent, of 1814, which ended the second war with Great Britain, and which provided for the submission of territorial claims to alien arbitration—in the latter respect setting a precedent which has since been unwarrantably disputed:

ARTICLE THE FIRST

There shall be a firm and universal Peace between His Britannic Majesty and the United States and between their respective Countries, Territories, Cities, Towns and people, of every degree without exception of places or persons. All hostilities both by Sea and land shall cease as soon as this Treaty shall have been ratified by both parties as hereinafter mentioned. All territory, places and possessions whatsoever taken by either party from the other during the War, or which may be taken after the signing of this Treaty excepting only the Islands hereinafter mentioned shall be restored without delay and without causing any destruction or carrying away any of the Artillery or other public property originally captured in the said forts or places and which shall remain therein upon the Exchange of the Ratifications of this Treaty or any Slaves or other private property. And all Archives, Records, Deeds and Papers either of a public nature or belonging to private persons, which in the course of the War may have fallen into the hands of the officers of either party, shall be as far as may be practicable forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of the Islands in the Bay of Passamaquoddy as are claimed by both parties shall remain in the possession of the party in whose occupation they may be at the time of the Exchange of the Ratifications of this Treaty until the decision respecting the title to the said Islands shall have been made in conformity with the fourth Article of this Treaty. No disposition made by this Treaty as to such possession of the Islands and territories claimed by both parties shall in any manner whatever be construed to affect the right of either.

ARTICLE THE FOURTH

Whereas it was stipulated by the second Article in the Treaty of peace of One thousand seven hundred and eighty three between His

Britannic Majesty and the United States of America that the Boundary of the United States should comprehend all Islands within Twenty Leagues of any part of the Shores of the United States and lying between lines to be drawn due East from the points where the aforesaid boundaries between Nova Scotia on the one part and East Florida on the other shall respectively touch the Bay of Fundy and the Atlantic Ocean, excepting such Islands as now are, or heretofore have been, within the limits of Nova Scotia, and whereas the several Islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan in the said Bay of Fundy, are claimed by the United States as being comprehended within their aforesaid Boundaries, which said Islands are claimed as belonging to His Britannic Majesty as having been at the time of, and previous to, the aforesaid Treaty of one Thousand seven hundred and eighty three within the limits of the Province of Nova Scotia: In order therefore finally to decide upon these claims it is agreed that they shall be referred to two Commissioners to be appointed in the following manner viz.: One Commissioner shall be appointed by His Britannic Majesty, and one by the President of the United States by and with the advice and consent of the Senate thereof. . . . And if the said Commissioners shall agree in their decision both parties shall consider such decision as final and conclusive. It is further agreed that in event of the Two Commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said Commissioners refusing or declining or wilfully omitting to act as such they shall make jointly or separately a report or reports as well to the Government of His Britannic Majesty as to that of the United States stating in detail the points on which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they or either of them have so refused declined or omitted to act. And His Britannic Majesty and the Government of the United States hereby agree to refer the report or reports of the said Commissioners to some friendly Sovereign or State to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said report or reports or upon the report of one Commissioner together with the grounds upon which the other Commissioner shall have refused, declined or omitted to act as the case may be. And if the Commissioner so refusing, declining or omitting to act shall also wilfully omit to state the grounds upon which he has so done in such manner that the said statement may be referred to such friendly Sovereign or State together with the report of such other Commissioner, then such Sovereign or State shall decide ex parte upon the said report alone. And His Britannic Majesty and the Government of the United States engage to consider the decision of

such friendly sovereign or state to be final and conclusive on all the matters so referred.

IV

EARLY TREATIES FOR AVOIDING WAR

The following provisions for the peaceful adjustment of disputes were included in Article XXIII of the treaty of August, 1797, between the United States and Tunis:

If any difference or dispute shall take place concerning the infraction of any article of the present treaty on either side, peace and good harmony shall not be interrupted, until a friendly application shall have been made for satisfaction; and resort shall not be had to arms therefor, except where such application shall have been rejected; and if war be then declared, the term of one year shall be allowed to the citizens or subjects of the contracting parties to arrange their affairs, and to withdraw themselves with their property.

Similar but more detailed provisions were inserted, as Articles XV and XVI of the treaty of June 4, 1805, between the United States and Tripoli:

ARTICLE 15th

In case of any dispute arising from the violation of any of the articles of this Treaty, no appeal shall be made to Arms, nor shall war be declared on any pretext whatever; but if the Consul residing at the place, where the dispute shall happen, shall not be able to settle the same; The Government of that country shall state their grievances in writing, and transmit it to the Government of the other, and the period of twelve Callendar months shall be allowed for answers to be returned; during which time no act of hostility shall be permitted by either party, and in case the grievances are not redressed, and war should be the event, the Consuls and Citizens or Subjects of both parties reciprocally shall be permitted to embark with their effects unmolested, on board of what vessel or Vessels they shall think proper.

ARTICLE 16th

If in the fluctuation of Human Events a war should break out between the two Nations: The Prisoners captured by either party shall not be made Slaves; but shall be exchanged Rank for Rank; and if there should be a deficiency on either side, it shall be made up by the payment of Five Hundred Spanish Dollars for each Captain, Three

Hundred Dollars for each Mate and Supercargo and One hundred Spanish Dollars for each Seaman so wanting.

V

DECLARATIONS OF WAR

The declaration of war against Great Britain in 1812 was one of the shortest and simplest instruments of the kind on record:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That war be and the same is hereby declared to exist between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their territories; and that the President of the United States is hereby authorized to use the whole land and naval force of the United States to carry the same into effect, and to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as he shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the government of the said United Kingdom of Great Britain and Ireland, and the subjects thereof.

The act of war against Mexico in 1846 threw upon the latter country the onus and odium of the breach of peace:

WHEREAS, by the act of the Republic of Mexico, a state of war exists between that Government and the United States:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of enabling the government of the United States to prosecute said war to a speedy and successful termination, the President be, and he is hereby, authorized to employ the militia, naval, and military forces of the United States, and to call for and accept the services of any number of volunteers, not exceeding fifty thousand, who may offer their services, either as cavalry, artillery, infantry, or riflemen, to serve twelve months after they shall have arrived at the place of rendezvous, or to the end of the war, unless sooner discharged, according to the time for which they shall have been mustered into service; and that the sum of ten millions of dollars, out of any moneys in the treasury, or to come into the treasury, not otherwise appropriated, be, and the same is hereby, appropriated for the purpose of carrying the provisions of this act into effect.

SEC. 2. *And be it further enacted,* That the militia, when called into the service of the United States by virtue of this act, or any other act, may, if in the opinion of the President of the United

States the public interest requires it, be compelled to serve for a term not exceeding six months after their arrival at the place of rendezvous, in any one year, unless sooner discharged.

. . . . . .

SEC. 8. *And be it further enacted,* That the President of the United States be, and he is hereby, authorized forthwith to complete all the public armed vessels now authorized by law, and to purchase or charter, arm, equip, and man, such merchant vessels and steam-boats as, upon examination, may be found fit, or easily converted into armed vessels fit for the public service, and in such number as he may deem necessary for the protection of the seaboard, lake coast, and the general defence of the country.

VI

"FREE SHIPS, FREE GOODS"

Article XII of the treaty of 1785 with Prussia is memorable for its enunciation of the benign principle of "Free Ships, Free Goods;" as follows:

ARTICLE XII

If one of the contracting parties, should be engaged in war with any other power, the free intercourse & commerce of the Subjects or Citizens of the party remaining neuter with the belligerent powers shall not be interrupted. On the contrary in that case as in full peace, the Vessel of the neutral party may navigate freely to & from the ports and on the coasts of the belligerent parties, free Vessels making free goods insomuch that all things shall be adjudged free which shall be on board any Vessel belonging to the neutral party, although such things belong to an enemy of the other: and the same freedom shall be extended to persons who shall be on board a free Vessel, although they should be enemies to the other party unless they be soldiers in actual service of such enemy.

VII

THE LOUISIANA PURCHASE

The essential portions of the Louisiana Purchase treaty, of 1803, were as follows:

ARTICLE I

Whereas by the Article the third of the Treaty concluded at St. Ildefonso the 9th Vendémaire an 9 between the First Consul of 1st October 1800

the French Republic and his Catholic Majesty it was agreed as follows.—

"His Catholic Majesty promises and engages on his part to cede to "the French Republic six months after the full and entire execution "of the conditions and stipulations herein relative to his Royal High- "ness the Duke of Parma, the Colony or Province of Louisiana with "the same extent that it now has in the hands of Spain, & that it had "when France possessed it; and such as it should be after the Trea- "ties subsequently entered into between Spain and other States."

And whereas in pursuance of the Treaty and particularly of the third article the French Republic has an incontestible title to the domain and to the possession of the said Territory—The First Consul of the French Republic desiring to give to the United States a strong proof of his friendship doth hereby cede to the said United States in the name of the French Republic forever and in full sovereignty the said territory with all its rights and appurtenances as fully and in the same manner as they have been acquired by the French Republic in virtue of the above mentioned Treaty concluded with his Catholic Majesty.

ARTICLE II

In the cession made by the preceding article are included the adjacent Islands belonging to Louisiana all public lots and squares, vacant lands and all public buildings, fortifications, barracks and other edifices which are not private property. The Archives, papers and documents relative to the domain and sovereignty of Louisiana and its dependences will be left in the possession of the Commissaries of the United States, and copies will be afterwards given in due form to the Magistrates and Municipal officers of such of the said papers and documents as may be necessary to them.

ARTICLE III

The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible according to the principles of the Federal Constitution to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property and the Religion which they profess.

VIII

NORTH ATLANTIC FISHERIES

Following is the first article of the treaty of 1818 with Great Britain, which was intended to settle the differences of opinion

which had arisen over the treaty of 1783 relative to the North Atlantic Fisheries, but which in fact left them still unsettled for more than ninety years thereafter:

Whereas differences have arisen respecting the Liberty claimed by the United States for the Inhabitants thereof, to take, dry, and cure Fish on certain Coasts, Bays, Harbours, and Creeks of His Britannic Majesty's Dominions in America, it is agreed between The High Contracting Parties, that the Inhabitants of the said United States shall have forever, in common with the Subjects of His Britannic Majesty, the Liberty to take Fish of every kind on that part of the Southern Coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the Western and Northern Coast of Newfoundland, from the said Cape Ray to the Quirpon Islands on the Shores of the Magdalen Islands, and also on the Coasts, Bays, Harbours, and Creeks from Mount Joly on the Southern Coast of Labrador, to and through the Streights of Belleisle and thence Northwardly indefinitely along the Coast, without prejudice however, to any of the exclusive Rights of the Hudson Bay Company: and that the American Fishermen shall also have liberty forever, to dry and cure Fish in any of the unsettled Bays, Harbours, and Creeks of the Southern part of the Coast of Newfoundland hereabove described, and of the Coast of Labrador; but so soon as the same, or any Portion thereof, shall be settled, it shall not be lawful for the said Fishermen to dry or cure Fish at such Portion so settled, without previous agreement for such purpose with the Inhabitants, Proprietors, or Possessors of the Ground.—And the United States hereby renounce forever, any Liberty heretofore enjoyed or claimed by the Inhabitants thereof, to take, dry, or cure Fish on, or within three marine Miles of any of the Coasts, Bays, Creeks, or Harbours of His Britannic Majesty's Dominions in America not included within the above mentioned limits; provided, however, that the American Fishermen shall be admitted to enter such Bays or Harbours for the purpose of Shelter and of repairing Damages therein, or purchasing Wood, and of obtaining Water, and for no other purpose whatever. But they shall be under such Restrictions as may be necessary to prevent their taking, drying or curing Fish therein, or in any other manner whatever abusing the Privileges hereby reserved to them.

IX

ORIENTAL DIPLOMACY

The treaty of 1833 with Siam was the first made with an Oriental power. Its provisions were by no means unusual, but

its introductory paragraphs are of interest for their directness and simplicity, in contrast to the more florid style of other Oriental compositions:

His Majesty the Sovereign and Magnificent King in the City of Sia-Yut'hia has appointed the Chau Phaya-Phra-klang, one of the first Ministers of State, to treat with Edmund Roberts, Minister of the United States of America, who has been sent by the Government thereof, on its behalf, to form a treaty of sincere friendship and entire good faith between the two nations. For this purpose, the Siamese and the citizens of the United States of America shall, with sincerity, hold commercial intercourse in the ports of their respective nations as long as heaven and earth shall endure.

This treaty is concluded on Wednesday, the last of the fourth month of the year 1194, called Pi-marông-chat-tava-sôk (or the year of the Dragon), corresponding to the twentieth day of March, in the year of our Lord 1833. One original is written in Siamese, the other in English; but as the Siamese are ignorant of English, and the Americans of Siamese, a Portuguese and a Chinese translation are annexed, to serve as testimony to the contents of the treaty. The writing is of the same tenor and date in all the languages aforesaid. It is signed, on the one part, with the name of the Chau Phaya-Phra-klang, and sealed with the seal of the lotus flower, of glass; on the other part, it is signed with the name of Edmund Roberts, and sealed with a seal containing an eagle and stars.

One copy will be kept in Siam, and another will be taken by Edmund Roberts to the United States. If the Government of the United States shall ratify the said treaty and attach the seal of the Government, then Siam will also ratify it on its part, and attach the seal of its Government.

The treaty of 1856, with Persia, presents a striking contrast to the foregoing; reminiscent of the extravagant hyperboles of the "Shah Nameh":

In the name of God the Clement and the Merciful.

The President of the United States of North America, and his Majesty as exalted as the Planet Saturn; the Sovereign to whom the Sun serves as a standard; whose splendor and magnificence are equal to that of the Skies; the Sublime Sovereign, the Monarch whose armies are as numerous as the Stars; whose greatness calls to mind that of Jemshid; whose magnificence equals that of Darius; the Heir of the Crown and Throne of the Kayanians; the Sublime Emperor of all

Persia, being both equally and sincerely desirous of establishing relations of Friendship between the two Governments, which they wish to strengthen by a Treaty of Friendship and Commerce, reciprocally advantageous and useful to the Citizens and subjects of the two High contracting parties, have for this purpose named for their Plenipotentiaries.

The President of the United States of North America, Carroll Spence, Minister Resident of the United States near the Sublime Porte; and His Majesty the Emperor of all Persia, His Excellency Emin ul Molk Farrukh Khan, Ambassador of His Imperial Majesty the Shah, decorated with the portrait of the Shah, with the great cordon blue and bearer of the girdle of Diamonds, &c, &c, &c, &c.

The treaty of 1833, with Muscat, was marked with the same simplicity and directness as that of the same year with Siam, doubtless because it was the work of the same fine diplomat, Edmund Roberts. The following Articles illustrate the adoption at that time of the "most favored nation" clause; the generous humanity of the Sultan; and the exceptional immunity of Consuls from arrest:

4. The American citizen shall pay no other duties on export or import, tonnage, license to trade, or other charge whatsoever, than the nation the most favored shall pay.

5. If any vessel of the United States shall suffer Shipwreck on any part of the Sultan's Dominions, the persons escaping from the wreck shall be taken care of and hospitably entertain'd, at the expense of the Sultan, until they shall find an opportunity to be return'd to their country—for the Sultan can never receive any remuneration whatever for rendering succor to the distress'd—and the property saved from such wreck, shall be carefully preserv'd and delivered to the owner, or the Consul of the United States, or to any authorized Agent.

6. The Citizens of the United States resorting to the Ports of the Sultan for the purpose of trade, shall have leave to land, & reside in the said Ports, without paying any tax or imposition whatever for such liberty, other than the General Duties on Imports which the most favored nation shall pay.

7. If any citizens of the United States, or their vessels, or other property shall be taken by Pirates, and brought within the Dominions of the Sultan, the persons shall be set at liberty, and the property restored to the owner if he is present, or to the American Consul, or to any authorized agent.

8. Vessels belonging to the subjects of the Sultan which may resort

to any port in the United States, shall pay no other or higher rate of Duties or other charges, than the nation the most favored shall pay.

9. The President of the United States may appoint Consuls to reside in the Ports of the Sultan where the principal commerce shall be carried on; which Consuls shall be the exclusive judges of all disputes or suits wherein American Citizens shall be engaged with each other. They shall have power to receive the property of any American Citizen dying within the Kingdom, and to send the same to his heirs, first paying all his debts, due to the subjects of the Sultan. The said Consuls shall not be arrested, nor shall their property be seized. Nor shall any of their household be arrested, but their persons, and property, & their houses shall be inviolate—Should any Consul however, commit any offense against the laws of the Kingdom, complaint shall be made to the President who will immediately displace him.

X

EXTRADITION

The first treaty provision for extradition of criminals was contained in Article XXVII of Jay's treaty of 1784 with Great Britain; as follows:

It is further agreed that His Majesty and the United States, on mutual requisitions, by them respectively, or by their respective Ministers or officers authorized to make the same, will deliver up to justice all persons who, being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other, provided that this shall only be done on such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the offense had there been committed.

The first treaty specifically and solely made for the purpose of effecting extradition was that of 1843 with France; as follows:

ARTICLE I

It is agreed that the High Contracting Parties shall, on requisitions made in their name, through the medium of their respective Diplomatic Agents, deliver up to justice persons who, being accused of the crimes enumerated in the next following article, committed within the jurisdiction of the requiring party, shall seek an asylum, or shall be found within the territories of the other: *Provided,* That this shall

be done only when the fact of the commission of the crime shall be so established as that the laws of the country in which the fugitive or the person so accused shall be found would justify his or her apprehension and commitment for trial, if the crime had been there committed.

ARTICLE II

Persons shall be so delivered up who shall be charged, according to the provisions of this Convention, with any of the following crimes, to wit: Murder, (comprehending the crimes designated in the French Penal Code by the terms, assassination, parricide, infanticide and poisoning), or with an attempt to commit murder, or with rape, or with forgery, or with arson, or with embezzlement by public officers, when the same is punishable with infamous punishment.

ARTICLE V

The provisions of the present convention shall not be applied in any manner to the crimes enumerated in the second article, committed anterior to the date thereof, nor to any crime or offense of a purely political character.

XI

NATURALIZATION

The first Naturalization treaty made by the United States was that with the North German Confederation in 1868, the negotiators being George Bancroft, the American minister to Prussia, and Bernhard König, Privy Councilor of the King of Prussia. Its provisions were as follows:

ARTICLE 1

Citizens of the North German Confederation who became naturalized citizens of the United States of America and shall have resided uninterruptedly within the United States five years shall be held by the North German Confederation to be American citizens and shall be treated as such.

Reciprocally; citizens of the United States of America who become naturalized citizens of the North German Confederation and shall have resided uninterruptedly within North Germany five years shall be held by the United States to be North German citizens, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

This article shall apply as well to those already naturalized in either country as those hereafter naturalized.

ARTICLE 2

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration; saving always the limitations established by the laws of his original country.

ARTICLE 4

If a German naturalized in America renews his residence in North Germany without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally: if an American naturalized in North Germany renews his residence in the United States, without the intent to return to North Germany he shall be held to have renounced his naturalization in North Germany. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

XII

ABOLITION OF SOUND DUES

Following are the principal articles of the treaty of 1857 with Denmark, by virtue of which the Sound Dues were abolished:

ARTICLE I

His Majesty the King of Denmark declares entire freedom of the navigation of the Sound and the Belts in favor of American vessels and their cargoes, from and forever after the day when this Convention shall go into effect as hereinafter provided. And it is hereby agreed that American vessels and their cargoes after that day shall not be subject to any charges whatever in passing the Sound or the Belts, or to any detention in the said waters, and both Governments will concur, if occasion should require it, in taking measures to prevent abuse of the free flag of the United States by the shipping of other nations which shall not have secured the same freedom and exemption from charges enjoyed by that of the United States.

ARTICLE II

His Danish Majesty further engages that the passages of the Sound and Belts shall continue to be lighted and buoyed as heretofore without any charge upon American vessels or their cargoes on passing the Sound and the Belts, and that the present establishments of Danish

pilots in these waters shall continue to be maintained by Denmark. . . .

ARTICLE III

In consideration of the foregoing agreements and stipulations on the part of Denmark whereby the free and unincumbered navigation of American vessels through the Sound and the Belts is forever secured, the United States agree to pay to the Government of Denmark, once for all, the sum of seven hundred and seventeen thousand, eight hundred and twenty-nine Rix dollars, or its equivalent, three hundred and ninety-three thousand and eleven dollars in United States currency. . . .

XIII

RUSSO-AMERICAN RECIPROCAL RIGHTS

The treaty of 1832 with Russia was abrogated by the United States in 1912 because of Russia's alleged disregard of the rights of American citizens of Jewish faith. The first article of that treaty, guaranteeing the rights in question, was as follows:

There shall be between the territories of the high contracting parties, a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall, mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

XIV

POLK'S VERSION OF THE MONROE DOCTRINE

President Polk, in his annual message of December, 1845, made this reaffirmation and enlargement of the Monroe Doctrine:

It is well known to the American people and to all nations that this Government has never interfered with the relations subsisting between other Governments. We have never made ourselves parties to their wars or their alliances; we have not sought their territories by

conquest; we have not mingled with parties in their domestic struggles; and believing their own form of government to be the best, we have never attempted to propagate it by intrigues, by diplomacy, or by force. We may claim on this continent a like exemption from European interference. The nations of America are equally sovereign and independent with those of Europe. They possess the same rights, independent of all foreign interposition, to make war, to conclude peace, and to regulate their internal affairs. The people of the United States cannot, therefore, view with indifference attempts of European powers to interfere with the independent action of the nations on this continent. The American system of government is entirely different from that of Europe. Jealousy among the different sovereigns of Europe, lest any one of them might become too powerful for the rest, has caused them anxiously to desire the establishment of what they term the "balance of power." It cannot be permitted to have any application on the North American continent, and especially to the United States. We must ever maintain the principle that the people of this continent alone have the right to decide their own destiny. Should any portion of them, constituting an independent state, propose to unite themselves with our confederacy, this will be a question for them and us to determine, without any foreign interposition. We can never consent that European powers shall interfere to prevent such a union, because it might disturb the "balance of power" which they may desire to maintain upon this continent. Near a quarter of a century ago the principle was distinctly announced to the world, in the annual message of one of my predecessors, that "the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European power." This principle will apply with greatly increased force, should any European power attempt to establish any new colony in North America. In the existing circumstances of the world, the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe, and to state my cordial concurrence in its wisdom and sound policy. The reassertion of this principle, especially in reference to North America, is, at this day, but the promulgation of a policy which no European power should cherish the disposition to resist. Existing rights of every European nation should be respected; but it is due alike to our safety and our interests that the efficient protection of our laws should be extended over our whole territorial limits, and that it should be distinctly announced to the world as our settled policy that no future European colony or dominion shall, with our consent, be planted or established on any part of the North American continent.

XV

HAY'S MEMORANDUM ON THE MONROE DOCTRINE

John Hay, Secretary of State, in 1901, presented to the German Ambassador at Washington the following memorandum on the Monroe Doctrine and its present application:

The President in his message of the 3rd of December, 1901, used the following language: "The Monroe doctrine is a declaration that there must be no territorial aggrandizement by any non-American power at the expense of any American power on American soil. It is in no wise intended as hostile to any nation in the Old World." The President further said: "This doctrine has nothing to do with the commercial relations of any American power, save that it in truth allows each of them to form such as it desires. . . . We do not guarantee any State against punishment if it misconducts itself, provided that punishment does not take the form of the acquisition of territory by any non-American power."

His Excellency the German Ambassador, on his recent return from Berlin, conveyed personally to the President the assurance of the German Emperor that His Majesty's Government had no purpose or intention to make even the smallest acquisition of territory on the South American Continent or the islands adjacent. This voluntary and friendly declaration was afterwards repeated to the Secretary of State, and was received by the President and the people of the United States in the frank and cordial spirit in which it was offered. In the memorandum of the 11th of December, his Excellency the German Ambassador repeats these assurances as follows: "We declare especially that under no circumstances do we consider in our proceedings the acquisition or the permanent occupation of Venezuelan territory."

In the said memorandum of the 11th of December, the German Government informs that of the United States that it has certain just claims for money and for damages wrongfully withheld from German subjects by the Government of Venezuela, and that it proposes to take certain coercive measures described in the memorandum to enforce the payment of these just claims.

The President of the United States, appreciating the courtesy of the German Government in making him acquainted with the state of affairs referred to, and not regarding himself as called upon to enter into the consideration of the claims in question, believes that no measures will be taken in this matter by the agents of the German Govern-

ment which are not in accordance with the well-known purpose, above set forth, of His Majesty the German Emperor.

XVI

THE OSTEND MANIFESTO

The "Ostend Manifesto," signed at Aix-la-Chapelle on October 18, 1854, by James Buchanan, J. Y. Mason and Pierre Soulé, was in chief as follows:

1. The United States ought, if practicable, to purchase Cuba with as little delay as possible.

2. The probability is great that the government and cortes of Spain will prove willing to sell it, because this would essentially promote the highest and best interests of the Spanish people.

It must be clear to every reflecting mind that, from the peculiarity of its geographical position, and the considerations attendant on it, Cuba is as necessary to the North American republic as any of its present members, and that it belongs naturally to that great family of States of which the Union is the providential nursery. . . . Indeed, the Union can never enjoy repose, nor possess reliable security, as long as Cuba is not embraced within its boundaries.

But if the United States and every commercial nation would be benefited by this transfer, the interests of Spain would also be greatly and essentially promoted. She cannot but see what such a sum of money as we are willing to pay for the island would effect in the development of its vast natural resources. . . . Such is her present wretched financial condition, that her best bonds are sold upon her own Bourse at about one-third of their par value; whilst another class, on which she pays no interest, have but a nominal value, and are quoted at about one-sixth of the amount for which they were issued. . . . Should Spain reject the present golden opportunity for developing her resources, and removing her financial embarrassments, it may never again return.

We know that the President is justly inflexible in his determination to execute the neutrality laws; but should the Cubans themselves rise in revolt against the oppression which they suffer, no human power could prevent citizens of the United States and liberal minded men of other countries from rushing to their assistance. Besides, the present is an age of adventure, in which restless and daring spirits abound in every portion of the world.

It is not improbable, therefore, that Cuba may be wrested from Spain by a successful revolution; and in that event she will lose both the island and the price which we are now willing to pay for it—a

price far beyond what was ever paid by one people to another for any province. . . .

It is certain that, should the Cubans themselves organize an insurrection against the Spanish government, and should other independent nations come to the aid of Spain in the contest, no human power could, in our opinion, prevent the people and government of the United States from taking part in such a civil war in support of their neighbors and friends.

But if Spain, dead to the voice of her own interest, and actuated by stubborn pride and a false sense of honor, should refuse to sell Cuba to the United States, then the question will arise, What ought to be the course of the American government under such circumstances? Self-preservation is the first law of nature, with States as well as with individuals. All nations have, at different periods, acted upon this maxim. Although it has been made the pretext for committing flagrant injustice, as in the partition of Poland and other similar cases which history records, yet the principle itself, though often abused, has always been recognized.

The United States have never acquired a foot of territory except by fair purchase, or, as in the case of Texas, upon the free and voluntary application of the people of that independent State, who desired to blend their destinies with our own.

Even our acquisitions from Mexico are no exception to this rule, because, although we might have claimed them by the right of conquest in a just war, yet we purchased them for what was then considered by both parties a full and ample equivalent.

Our past history forbids that we should acquire the island of Cuba without the consent of Spain, unless justified by the great law of self-preservation. We must, in any event, preserve our own conscious rectitude and our own self-respect.

Whilst pursuing this course we can afford to disregard the censures of the world, to which we have been so often and so unjustly exposed.

After we shall have offered Spain a price for Cuba far beyond its present value, and this shall have been refused, it will then be time to consider the question, does Cuba, in the possession of Spain, seriously endanger our internal peace and the existence of our cherished Union?

Should this question be answered in the affirmative, then, by every law, human and divine, we shall be justified in wresting it from Spain if we possess the power; and this upon the very same principle that would justify an individual in tearing down the burning house of his neighbor if there were no other means of preventing the flames from destroying his own home.

Under such circumstances we ought neither to count the cost nor

regard the odds which Spain might enlist against us. We forbear to enter into the question, whether the present condition of the island would justify such a measure? We should, however, be recreant to our duty, be unworthy of our gallant forefathers, and commit base treason against our posterity, should we permit Cuba to be Africanized and become a second St. Domingo, with all its attendant horrors to the white race, and suffer the flames to extend to our own neighboring shores, seriously to endanger or actually to consume the fair fabric of our Union.

We fear that the course and current of events are rapidly tending towards such a catastrophe. We, however, hope for the best, though we ought certainly to be prepared for the worst. . . .

XVII

THE GENEVA CONVENTION

The Geneva Convention, of 1864, providing for the humane care of the wounded in war, was one of the first important international agreements to which the United States was a party. It was as follows:

Article I

Ambulances and Military hospitals shall be acknowledged to be neuter, and, as such, shall be protected and respected by belligerents so long as any sick or wounded may be therein.

Such neutrality shall cease if the ambulances or hospitals should be held by a military force.

Article II

Persons employed in hospitals and ambulances, comprising the staff for superintendence, medical service, administration, transport of wounded, as well as chaplains, shall participate in the benefit of neutrality, whilst so employed, and so long as there remain any wounded to bring in or to succor.

Article III

The persons designated in the preceding article may, even after occupation by the enemy, continue to fulfil their duties in the hospital or ambulance which they serve, or may withdraw in order to rejoin the corps to which they belong.

Under such circumstances, when these persons shall cease from their functions, they shall be delivered by the occupying army to the outposts of the enemy.

Article IV

As the equipment of military hospitals remains subject to the laws of war, persons attached to such hospitals cannot, in withdrawing, carry away any articles but such as are their private property.

Under the same circumstances an ambulance shall, on the contrary, retain its equipment.

Article V

Inhabitants of the country who may bring help to the wounded shall be respected, and shall remain free. The generals of the belligerent Powers shall make it their care to inform the inhabitants of the appeal addressed to their humanity, and of the neutrality which will be the consequence of it.

Any wounded man entertained and taken care of in a house shall be considered as a protection thereto. Any inhabitant who shall have entertained wounded men in his house shall be exempted from the quartering of troops, as well as from a part of the contributions of war which may be imposed.

Article VI

Wounded or sick soldiers shall be entertained and taken care of, to whatever nation they may belong.

Commanders-in-chief shall have the power to deliver immediately to the outposts of the enemy soldiers who have been wounded in an engagement when circumstances permit this to be done, and with the consent of both parties.

Those who are recognized, after their wounds are healed, as incapable of serving, shall be sent back to their country.

The others may also be sent back, on condition of not again bearing arms during the continuance of the war.

Evacuations, together with the persons under whose directions they take place, shall be protected by an absolute neutrality.

Article VII

A distinctive and uniform flag shall be adopted for hospitals, ambulances and evacuations. It must, on every occasion, be accompanied by the national flag. An arm-badge (brassard) shall also be allowed for individuals neutralized, but the delivery thereof shall be left to military authority.

The flag and the arm-badge shall bear a red cross on a white ground.

ARTICLE VIII

The details of execution of the present convention shall be regulated by the commanders-in-chief of belligerent armies, according to the instructions of their respective governments, and in conformity with the general principles laid down in this convention.

ARTICLE IX

The high contracting Powers have agreed to communicate the present convention to those Governments which have not found it convenient to send plenipotentiaries to the International Conference at Geneva, with an invitation to accede thereto; the protocol is for that purpose left open.

XVIII

ISTHMIAN TRANSIT TREATIES

COLOMBIA, 1846

The first treaty concerning transit across the Central American Isthmus was that of 1846 with New Granada, afterward Colombia; Article XXXV of which was as follows:

The United States of America and the Republic of New Granada desiring to make as durable as possible, the relations which are to be established between the two parties by virtue of this treaty, have declared solemnly, and do agree to the following points:

1st. For the better understanding of the preceding articles, it is, and has been stipulated, between the high contracting parties, that the citizens, vessels and merchandize of the United States shall enjoy in the ports of New Granada, including those of the part of the Granadian territory generally denominated *Isthmus of Panamá,* from its southernmost extremity until the boundary of Costa Rica, all the exemptions, privileges and immunities, concerning commerce and navigation, which are now, or may hereafter be enjoyed by Granadian citizens, their vessels and merchandize; and that this equality of favors shall be made to extend to the passengers, correspondence and merchandize of the United States in their transit across the said territory, from one sea to the other. The Government of New Granada guarantees to the Government of the United States, that the right of way or transit across the *Isthmus of Panamá* upon any modes of communication that now exist, or that may be, hereafter, constructed, shall be open and free to the Government and citizens of the United States, and for the transportation of any articles of produce,

manufactures or merchandize, of lawful commerce, belonging to the citizens of the United States; that no other tolls or charges shall be levied or collected upon the citizens of the United States, or their said merchandize thus passing over any road or canal that may be made by the Government of New Granada, or by the authority of the same, than is under like circumstances levied upon and collected from the Granadian citizens: that any lawful produce, manufactures or merchandize belonging to citizens of the United States, thus passing from one sea to the other, in either direction, for the purpose of exportation to any other foreign country, shall not be liable to any import duties whatever; or having paid such duties, they shall be entitled to drawback, upon their exportation: nor shall the citizens of the United States be liable to any duties, tolls, or charges of any kind to which native citizens are not subjected for thus passing the said Isthmus. And, in order to secure to themselves the tranquil and constant enjoyment of these advantages, and as an especial compensation for the said advantages and for the favors they have acquired by the 4th, 5th and 6th articles of this Treaty, the United States guarantee positively and efficaciously to New Granada, by the present stipulation, the perfect neutrality of the beforementioned Isthmus, with the view that the free transit from the one to the other sea, may not be interrupted or embarrassed in any future time while this Treaty exists; and in consequence, the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory.

CLAYTON-BULWER

Next came the famous Clayton-Bulwer treaty, of 1850, with Great Britain, which ran in part as follows:

ARTICLE I

The Governments of the United States and Great Britain hereby declare, that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said Ship Canal; agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have, to or with any State or People for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exer-

cising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection or influence that either may possess with any State or Government through whose territory the said Canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

ARTICLE V

The contracting parties further engage that, when the said Canal shall have been completed they will protect it from interruption, seizure or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said Canal may forever be open and free, and the capital invested therein, secure. . . .

ARTICLE VI

The contracting parties in this Convention engage to invite every State with which both or either have friendly intercourse, to enter into stipulations with them similar to those which they have entered into with each other; to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the Canal herein contemplated. . . .

ARTICLE VIII

The Governments of the United States and Great Britain having not only desired in entering into this Convention, to accomplish a particular object, but, also, to establish a general principle, they hereby agree to extend their protection, by Treaty stipulations, to any other practicable communications, whether by Canal or rail-way, across the Isthmus which connects North and South America; and, especially to the interoceanic communications,—should the same prove to be practicable, whether by Canal or rail-way,—which are now proposed to be established by the way of Tehuantepec, or Panama. In granting, however, their joint protection to any such Canals or rail-ways, as are by this Article specified, it is always understood by the United States and Great Britain, that the parties constructing or owning the same, shall impose no other charges or conditions of traffic thereupon, than the aforesaid Governments shall approve of, as just and equitable; and, that the same Canals or rail-ways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall, also, be open on like terms to the citizens and subjects of every other State which is willing to grant thereto, such protection as the United States and Great Britain engage to afford.

NICARAGUA

The Dickinson-Ayon treaty of 1867, between the United States and Nicaragua, contained these provisions:

ARTICLE XIV

The republic of Nicaragua hereby grants to the United States, and to their citizens and property, the right of transit between the Atlantic and Pacific oceans through the territory of that republic, on any route of communication, natural or artificial, whether by land or by water, which may now or hereafter exist or be constructed under the authority of Nicaragua, to be used and enjoyed in the same manner and upon equal terms by both republics and their respective citizens, the republic of Nicaragua, however, reserving its rights of sovereignty over the same.

ARTICLE XV

The United States hereby agree to extend their protection to all such routes of communication as aforesaid, and to guarantee the neutrality and innocent use of the same. They also agree to employ their influence with other nations to induce them to guarantee such neutrality and protection.

And the republic of Nicaragua, on its part, undertakes to establish one free port at each extremity of one of the aforesaid routes of communication between the Atlantic and Pacific oceans. . . . And no higher or other charges or tolls shall be imposed on the conveyance or transit of persons and property of citizens or subjects of the United States, or of any other country, across the said routes of communication, than are or may be imposed on the persons and property of citizens of Nicaragua.

ARTICLE XVI

The republic of Nicaragua agrees that, should it become necessary at any time to employ military forces for the security and protection of persons and property passing over any of the routes aforesaid, it will employ the requisite force for that purpose; but upon failure to do this from any cause whatever, the Government of the United States may, with the consent, or at the request of the Government of Nicaragua, or of the minister thereof at Washington, or of the competent legally appointed local authorities, civil or military, employ such force for this and for no other purpose; and when, in the opinion of the Government of Nicaragua, the necessity ceases, such force shall be immediately withdrawn.

In the exceptional case, however, of unforeseen or imminent danger to the lives or property of citizens of the United States, the forces of said republic are authorized to act for their protection without such consent having been previously obtained. . . .

HAY-PAUNCEFOTE

The Hay-Pauncefote treaty of 1901 between the United States and Great Britain specifically superseded the Clayton-Bulwer treaty and prescribed fundamental rules for the conduct of the Isthmian canal:

ARTICLE I

The High Contracting Parties agree that the present Treaty shall supersede the afore-mentioned Convention of the 19th April, 1850.

ARTICLE II

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present Treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE III

The United States adopts, as the basis of the neutralization of such ship-canal, the following rules, substantially as embodied in the Convention of Constantinople, signed the 29th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these Rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the

transit of such vessels through the canal shall be effected with the least possible delay in accordance with the Regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same Rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within three marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than twenty-four hours at any one time, except in case of distress, and in such case, shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within twenty-four hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this Treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

ARTICLE IV

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the High Contracting Parties under the present Treaty.

HAY-BUNAU-VARILLA

The chief provisions of the Hay-Bunau-Varilla treaty of 1903 between the United States and Panama, for the construction of the Isthmian Canal, were as follows:

ARTICLE I

The United States guarantees and will maintain the independence of the Republic of Panama.

ARTICLE II

The Republic of Panama grants to the United States in perpetuity the use, occupation and control of a zone of land and land under

water for the construction, maintenance, operation, sanitation and protection of said canal of the width of ten miles extending to the distance of five miles on each side of the center line of the route of the canal to be constructed. . . .

ARTICLE III

The Republic of Panama grants to the United States all the rights, power and authority within the zone mentioned . . . which the United States would possess and exercise if it were the sovereign of the territory within which the said lands and waters are located to the entire exclusion of the exercise of the Republic of Panama of any such sovereign rights, power or authority.

ARTICLE V

The Republic of Panama grants to the United States in perpetuity a monopoly for the construction, maintenance and operation of any system of communication by means of canal or railroad across its territory between the Caribbean Sea and the Pacific Ocean.

ARTICLE XIV

As the price of compensation for the rights, powers and privileges granted in this Convention by the Republic of Panama to the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of ten million dollars ($10,000,000) in gold coin of the United States on the exchange of the ratification of this Convention, and also an annual payment during the life of this Convention of two hundred and fifty thousand dollars ($250,000) in like gold coin, beginning nine years after the date aforesaid. . . .

ARTICLE XVIII

The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by Section I of Article III of, and in conformity with all the stipulations of, the treaty entered into by the Government of the United States and Great Britain on November 18, 1901.

XIX

TWENTIETH CENTURY ARBITRATION

The numerous Arbitration Treaties made by the United States in accordance with the principles of the second Hague Congress were substantially identical in terms, as follows; this being the text of the treaty with Austria-Hungary:

The President of the United States of America and his Majesty the

Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, signatories of the convention for the pacific settlement of international disputes concluded at The Hague on July 29, 1899;

Taking into consideration that by Article XIX of that convention the high contracting parties have reserved to themselves the right of concluding agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment, have resolved to conclude the following convention, and for that purpose have appointed their plenipotentiaries: . . .

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the high contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence or the honor of the high contracting parties, and do not concern the interests of third parties.

ARTICLE II

In each individual case the high contracting parties, before appealing to the Permanent Court of Arbitration, shall conclude a special agreement defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure.

It is understood that such special agreements on the part of the United States will be made by the President of the United States by and with the advice and consent of the Senate thereof.

Such agreements shall be binding only when confirmed by the Governments of the high contracting parties by an exchange of notes.

ARTICLE III

The present convention shall be ratified by the high contracting parties, and the ratifications shall be exchanged as soon as possible at Washington.

The present convention shall remain in force for five years from the fifteenth day after the date of the exchange of the ratifications.

In testimony whereof the respective plenipotentiaries have signed this convention and have affixed thereto their seals.

XX

TWENTIETH CENTURY PEACE TREATIES

The numerous treaties for the preservation of peace through deliberation and investigation, which were made in 1913–1914, were substantially identical in form, as follows; this being the text of the treaty with The Netherlands:

The President of the United States of America and her Majesty the Queen of The Netherlands, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter a treaty for that purpose. . . .

Article I

The High Contracting parties agree that all disputes between them, of every nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a permanent International Commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

Article II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportion.

The International Commission shall be appointed within six months after the exchange of the ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

Article III

In case the High Contracting parties shall have failed to adjust a dispute by diplomatic methods, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously offer its services to that effect, and in such case it shall notify both Governments and request their co-operation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the International Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission on its files.

The High Contracting Parties reserve the right to act independently on the subject-matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE IV

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by her Majesty the Queen of The Netherlands; and the ratifications shall be exchanged as soon as possible. It shall take effect immediately after the exchange of ratifications, and shall continue in force for a period of five years; and it shall thereafter remain in force until twelve months after one of the High Contracting Parties have given notice to the other of an intention to terminate it.

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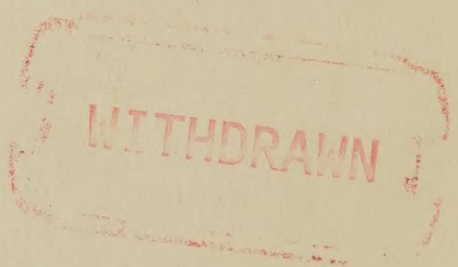

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